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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Fifty-sixth year

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the eighth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the Statute of the Tribunal (see S/25704 and Corr.1, annex), which states:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly."

* A/56/150.
** The present report covers the period from 1 August 2000 to 31 July 2001.

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Letter of transmittal

13 August 2001

Excellencies,

I have the honour to submit the eighth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 13 August 2001, to the General Assembly and the Security Council, pursuant to article 34 of the Statute of the International Tribunal.

Accept, Excellencies, the assurance of my highest consideration.

(Signed) Claude **Jorda**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Eighth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The eighth annual report of the International Tribunal for the Former Yugoslavia covers the period from 1 August 2000 to 31 July 2001. Over this period, the Tribunal focused on the implementation of the reforms proposed by the judges in their report on the operations of the Tribunal transmitted to the Secretary-General in May 2000 (see A/55/382-S/2000/865).

While the Tribunal increased its judicial activity at an unprecedented rate during the period under review, the highlight of the year was the adoption by the Security Council of resolution 1329 (2000), by which the Council created a group of 27 ad litem judges available for the Tribunal to draw upon to increase its judgement capacity. The Council also created two additional seats on the Appeals Chamber to be filled by judges from the International Tribunal for Rwanda. This external reinforcement was accompanied by internal reforms adopted by the judges in three specific areas: pre-trial activity, judges' powers at trial and Tribunal organization.

In addition to his duties as Presiding Judge of the Appeals Chambers of both International Tribunals (ICTY and ICTR), the President of the Tribunal spearheaded the implementation of the proposed reforms externally, through intense diplomatic activity including liaison with members of the Security Council and the organization of two diplomatic information seminars, and internally, through the creation of a working group, following the first joint seminar of the judges of both International Tribunals, which proposed a number of the reforms adopted. The President also redefined, along with the judges of the Tribunal, the Tribunal's policy concerning the creation of Truth and Reconciliation Commissions in the Balkans.

As part of the internal reforms adopted in relation to the organization of the Tribunal, a Co-ordination Council and a Management Committee were established to enhance the cohesion between the three organs of the Tribunal. These new bodies have made it possible for the Bureau to focus on judicial matters. The judges held two plenary sessions as well as an extraordinary plenary session during which they continued to adopt and modify the Rules of Procedure and Evidence, using the reports filed by the Rules Committee which along with the Working Group on Judicial Practices continued their analysis of the Tribunal's activity, with a view to enhancing the Rules.

In February 2001, Judge Bennouna (Morocco) left the Tribunal and was replaced by Judge Fassi Fihri (Morocco).

In March 2001, the General Assembly proceeded with the election of the permanent judges of the Tribunal for the term commencing on 17 November 2001. Given that three judges had announced that they would not be seeking an additional term and that three more were not re-elected, six new judges will be joining the Tribunal in November 2001.

On 1 June 2001, the General Assembly elected 27 ad litem judges, 6 of whom will be invited to join the Tribunal on 3 September to begin three new cases. On 1 June, the President of the International Criminal Tribunal for Rwanda assigned two judges from that Tribunal to the Appeals Chamber.

During the reporting period, the Trial Chambers were involved in 17 different cases while the Appeals Chamber dealt with 24 interlocutory appeals and 19 appeals on the merits. Three trial judgements and three appeals judgements were rendered.

During the same period, the Office of the Prosecutor completed mass grave exhumations in Kosovo, prosecuted seven trials, moved to the pre-trial stage in nine others, brought five investigations to the indictment stage, was involved in six post-judgement appeals, underwent a reassessment of the organization of the Office resulting in a shift in responsibility for the conduct of investigations to Senior Trial Attorneys, reopened its office in Belgrade, called upon States and relevant international organizations to arrest fugitives in the Republika Srpska and the Federal Republic of Yugoslavia, leading to the transfer of the accused Slobodan Milošević, former President of the Federal Republic of Yugoslavia, to the Tribunal.

The Registry of the Tribunal continued to exercise court management functions, to provide administrative services to Chambers and the Office of the Prosecutor, to provide information to the media and the public, to administer the legal aid system and to supervise the detention unit.

In December 2000, the Registrar, Dorothee de Sampayo Garrido-Nijgh, left the Tribunal and Hans Holthuis (Netherlands) was appointed as the new Registrar.

The Registrar maintained diplomatic contacts with State representatives, continued in his efforts to negotiate agreements on the enforcement of sentences and the relocation of witnesses, conducted extensive discussions with the host country in relation to the International Tribunal's Headquarters Agreement and supervised the outreach programme, which expanded its activities in recognition of the critical importance that populations in the former Yugoslavia be informed about and understand the Tribunal's mission.

The Registrar also continued to oversee the work of the Victims and Witnesses Section, which handled, protected and supported approximately 550 witnesses and accompanying persons from 30 different countries who travelled to The Hague during the reporting period.

In December 2000, the Deputy Registrar, Jean Jacques Heintz, left the Tribunal and Bruno Cathala (France) was appointed to replace him following a selection process presided over by the Registrar and involving the members of the Bureau.

During the reporting period, the role of the Deputy Registrar as the person responsible to direct and administer the Chambers' Legal Support Section was formalized through the adoption of rule 33 bis. The Deputy Registrar is also responsible for the International Tribunal's library, which in addition to receiving two grants from the European Union, expanded its activities and improved service to readers.

At the 89th plenary meeting of its fifty-fifth session, on 23 December 2000, the General Assembly, having considered the report of the Fifth Committee (A/55/691), adopted resolution 55/225 A, approving the appropriation of $96,443,900 net for the Tribunal for the period from 1 January to 31 December 2001. The total number of

approved staff posts for this period was 914, pending consideration of the ad litem budget.

At the 98th plenary meeting, on 12 April 2001, the General Assembly, having considered the report of the Fifth Committee (A/55/691/Add.1), adopted resolution 55/225 B, approving the appropriation of $4,899,400 net for the Tribunal for six ad litem judges for the period from 1 July to 31 December 2001. The total number of approved staff posts for this period stands at 54, with an overall total for 2001 for the Tribunal of 968.

In July 2001, the Tribunal presented its cost estimates for the 2002-2003 period, which highlight the need for additional resources to fully implement Security Council resolution 1329 (2000). In order to double its judgement capacity and allow the International Tribunal to complete its mission by 2008, this must be the priority for the next reporting period.

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I. Introduction

1. The present eighth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 describes in detail the activities of the Tribunal for the period from 1 August 2000 to 31 July 2001.

2. The previous year saw the International Tribunal submit its reform plan to the Security Council, which adopted it in November 2000. The Tribunal then began to implement the reforms. The activity of the Chambers and the Office of the Prosecutor increased markedly and the cooperation of States noticeably improved. This improved cooperation allowed, for the first time ever in the history of international justice, a former head of State still in power at the time of his indictment to be transferred to answer for the acts committed while he held office.

3. The year was marked by the implementation of the reforms undertaken by the International Tribunal in order to fulfil the mandate it received from the international community even more expeditiously. Initiated the previous year by the President with the assistance of the judges, the reforms include both internal and external aspects of the International Tribunal. First, they expedite the pre-trial phase by entrusting to the Senior Legal Officers the management of certain pre-trial procedures under the direction of the judges. Next, they seek to increase the trial capacity of the International Tribunal by providing it with a pool of ad litem judges who will be called to hear specific cases. Lastly, the reforms are intended to make the procedures more responsive to the International Tribunal's overriding need for expeditiousness through the fine-tuning of many of the rules of procedure and evidence.

4. The proposed reforms came into force pursuant to Security Council resolution 1329 (2000) of 30 November 2000, by which the Council approved the establishment of a pool of ad litem judges and the appointment of two additional judges to the Appeals Chamber and for the second time amended the Statute. At the extraordinary plenary session of the Tribunal in April 2001, the Senior Legal Officers were authorized to manage certain aspects of the pre-trial phase, which should enable the judges to devote more time to the merits of the cases. On the same occasion, several rules of procedure and evidence were amended: the judges may now set the number of witnesses the parties call to testify, determine the length of the cases and take the measures required to preclude interlocutory appeals from interrupting the trials. In the same vein, in January 2001, a Coordination Council and a Management Committee were set up to ensure that the three organs of the International Tribunal, the Chambers, the Office of the Prosecutor and the Registry, coordinated more closely in setting the judicial priorities.

5. The reforms brought with them an increase in the activity of the Trial Chambers and the Appeals Chamber. During the past year, the Trial Chambers rendered several dozen interlocutory decisions and three judgements on the merits, in the *Todorović*, *Kunarac* and *Kordić* cases. The Appeals Chamber issued 24 interlocutory appeals and two judgements on the merits, in the *Jelisić* and *Čelebići* cases. It also rendered two judgements on contempt of the International Tribunal, in the *Tadić* and *Aleksovski* cases. The Office of the Prosecutor pursued the exhumation work it had begun the previous year in Kosovo, intensified its review of the domestic prosecutions being conducted and reopened a field office in Belgrade. It also undertook internal reform, placing the investigations under the control of the trial attorneys.

6. State cooperation in the arrest of the accused remains a crucial factor in the operation of the Tribunal, which welcomed the transfer of Slobodan Milošević. The handover was a decisive advance, marking the resolve of the authorities of the Federal Republic of Yugoslavia, a sovereign State Member of the United Nations, to comply with its international obligations arising out of Security Council resolution 827 (1993) and Article 29 of the Statute. This development is a reflection of the process of democratization which resulted in the election of a new president in the Federal Republic of Yugoslavia last October, brought down Slobodan Milošević and led to his arrest, his indictment in the domestic courts and his transfer to The Hague. The new determination of the Belgrade authorities to set in place internal mechanisms to permit the Federal Republic of Yugoslavia to cooperate in the work of the Tribunal augurs well for a substantial sustained improvement in future cooperation with the Tribunal. The Republic of

Croatia also displayed increased willingness to cooperate with the International Tribunal by opening many of its archives to the Prosecutor.

7. This notwithstanding, several accused, including important military figures and high-ranking political officials, remain at liberty and, through their powers of influence, continue to jeopardize international peace and security in the Balkans. In this regard, the International Tribunal observes that the number of arrests made by troops of the multinational stabilization force (SFOR) has significantly declined. Furthermore, while announcing on several occasions that they were cooperating with the Tribunal, the authorities of the Republika Srpska have not made any arrests to date.

8. This year, the International Tribunal obtained considerable resources to accomplish its mission of justice and peace with the greatest expedition. It will, however, be able to achieve this only if all the accused are apprehended and transferred to The Hague in the shortest possible time.

II. Activity involving the entire Tribunal

A. The President

9. Over the past year, the President furthered the efforts to reform the operation of the International Tribunal undertaken at the start of the year 2000. He was also very active in the diplomatic arena and received many representatives of States and national and international organizations who came to re-pledge their support for the International Tribunal or to sign new cooperation agreements. With the assistance of the judges, the President redefined the policy of the International Tribunal with regard to the institution of a Truth and Reconciliation Commission in Bosnia and Herzegovina.

1. Reforms

10. Seven years after the establishment of the International Tribunal, the President considered it necessary to draw up an assessment of the activities of the Tribunal in coordination with the judges and to initiate in-depth reflection on the ways to try within a reasonable time frame all of the accused who are or will be in detention. The conclusions of his study appear in a report transmitted to the Secretary-General of the United Nations on 12 May 2000 and presented to the members of the Security Council on 20 June 2000 (see A/55/382-S/2000/865). This report puts forward pragmatic flexible solutions which should enable the judges to cope effectively with the significant increase in their workload and, hence, respond more effectively to the needs of the accused and the expectations of victims. This will entail increasing the trial capacity of the International Tribunal by appointing ad litem judges who will serve with the permanent judges in specific cases. It will also entail expediting the proceedings by authorizing the Senior Legal Officers to participate in administering the pre-trial management and bolstering the judges' powers of control over the proceedings.

11. The proposals were put together in the period 2000-2001. The Security Council approved the setting-up of a pool of ad litem judges while the judges, meeting in plenary, redefined the functions of the Senior Legal Officers and the judges' powers of control over trials.

(a) External reforms

12. At the 22nd plenary session of 13 and 14 July 2000, the President announced to the judges of the International Tribunal that the Security Council had established a Working Group to review the proposals featuring in the report on the operation of the Tribunal (ibid.). The Group met several times and invited representatives from the International Tribunal to participate in its work. It advised the Security Council to adopt a resolution providing for the appointment of ad litem judges and the creation of two additional posts for judges in the Appeals Chamber.

13. On 30 November 2000, the Security Council adopted resolution 1329 (2000), in which it stated that it was "*convinced* of the need to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia and to increase the number of judges in the Appeals Chamber of the International Tribunals in order to enable the International Tribunals to expedite the conclusion of their work at the earliest possible date" and decided "to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia and to enlarge the membership of the Appeals Chambers of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda". The Council also decided "to

amend articles 12, 13 and 14 of the Statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in annex I to [the] resolution and [*decided*] *also* to amend articles 11, 12 and 13 of the Statute of the International Tribunal for Rwanda and to replace those articles with the provisions set out in annex II to [the] resolution". The resolution also provides that "two additional judges shall be elected as soon as possible as judges of the International Criminal Tribunal for Rwanda". The President of the International Criminal Tribunal for Rwanda will then be responsible for taking all the measures necessary so that the two judges elected or appointed pursuant to article 12 of the Statute of the International Criminal Tribunal for Rwanda may serve in the Appeals Chambers of the International Tribunals. Lastly, the Council requested "the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above, for the election as soon as possible of twenty-seven ad litem judges in accordance with article 13 ter of the Statute of the International Tribunal for the Former Yugoslavia, and for the timely provision to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda of personnel and facilities, in particular, for the ad litem judges and the Appeals Chambers and related offices of the Prosecutor".

14. On 23 March 2001, together with the Prosecutor and the Registrar of the International Tribunal, the President organized a diplomatic seminar for all the representatives of the States of the international community serving at The Hague and Brussels. The main purpose of the seminar was to enable the States to put forth ad litem judge candidates with a full understanding of what the role and status of those judges would be.

15. The closing date for presenting the names of ad litem judge candidates was set for 16 April 2001. In accordance with article 13 ter of the Statute of the International Tribunal and further to the invitation of the Secretary-General, 34 States submitted a total of 64 candidates, although only 54 were required. This gives even more legitimacy to the Tribunal and reaffirms the support of the international community for the completion of its mission. At the election held on 12 June 2001, the General Assembly elected 27 judges distributed as follows: 5 from Asian States, 6 from African States, 11 from Western European and other States, 3 from Eastern European States and 2 from Latin American and Caribbean States. In addition, 8 of the total of 27 judges elected were women.

16. The first six ad litem judges will be invited to join the International Tribunal in September. Following participation in a one-week training seminar and their solemn declaration scheduled for that same period, they will immediately be invited to serve in three new trials set to commence on 10 September. For the first time in its history, the International Tribunal will then be conducting four trials at the same time. Another three ad litem judges will serve as of January 2002, bringing to nine the total number of ad litem judges and to six the number of trials held simultaneously by the International Tribunal.

17. In September and November 2001, two training seminars for the new permanent and ad litem judges are to be held at The Hague to prepare them to carry out their duties with an in-depth understanding of the rules governing the jurisdiction and proceedings of the International Tribunal.

(b) Internal reforms

18. In order to effect further internal reforms and as a follow-up to the seminar for the judges of the two International Tribunals held in Ascot, United Kingdom, on 1 October 2000, the President established a working group to review ways to expedite the proceedings both prior to and during the trial.

19. The working group met several times and put forward a set of amendments to the Rules of Procedure and Evidence which were adopted at the extraordinary plenary session of 12 April 2001. The amendments deal primarily with the role of the Senior Legal Officers, who have now been authorized to manage certain aspects of the pre-trial phase, thereby ensuring improved preparation of the phase and also allowing the permanent and ad litem judges to concentrate on the trial itself. The amendments also relate to the judges' powers of control over the proceedings. Henceforth, after hearing the parties, the judges may set the number of witnesses the parties can call to testify and determine how much time they will have to present their cases. Measures were also taken to preclude interlocutory appeals from interrupting the trials.

20. In order to improve internal cohesion at the International Tribunal, a Coordination Council and a

Management Committee were set up, with a view to enabling the three organs of the International Tribunal — the Chambers, the Office of the Prosecutor and the Registry — to coordinate their long-term judicial priorities and to collaborate closely in accomplishing the mission of the Tribunal. The Council and the Committee have already met on several occasions.

2. Diplomatic relations and other representation

21. In 2000-2001, the President met with representatives of States and national and international organizations at the seat of the International Tribunal and abroad in order to define, among other things, the objectives and procedures for their cooperation with the International Tribunal in various areas such as arrests of accused persons and enforcement of sentences.

22. The President met with Sahisha Jamil, Minister of Justice of Pakistan, Ibolya David, Minister of Justice of Hungary, and Jens Stoltenberg, Prime Minister of Norway. He also met with Lord Williams of Mostyn, Attorney General of the United Kingdom of Great Britain and Northern Ireland.

23. On 8 September 2000, Mate Granić, Deputy Prime Minister of Croatia and President of the Croatian Governmental Council for Cooperation with the International Court of Justice and the International Tribunal, and Stjepan Ivanišević, Minister of Justice of Croatia, visited the International Tribunal to hold a meeting on cooperation between the Croatian authorities and the Tribunal with Judge Florence Mumba, Vice-President of the Tribunal, and Carla Del Ponte, Prosecutor of the Tribunal.

24. On 4 October 2000, the High Representative for Bosnia and Herzegovina, Wolfgang Petrisch, met with the President to discuss the role of the International Tribunal in the reconciliation process in the Balkans and the impact of the elections in Bosnia and Herzegovina on its activity. Mr. Petrisch then met with Mrs. de Sampayo Garrido-Nijgh, the previous Registrar of the Tribunal, to discuss cooperation between the International Tribunal and the Office of the High Representative and the Outreach Programme.

25. On 20 and 21 November 2000, the President presented the annual report of the International Tribunal (A/55/273-S/2000/777) to the General Assembly and the Security Council. On that occasion, he underscored the overriding need to carry out fully the reforms undertaken in order to try all the accused held at The Hague within a reasonable time frame. He also emphasized that the International Tribunal still depended on the States of the international community both to arrest the accused and to gather evidence. He noted that the situation had improved considerably but lamented the fact that the highest-ranking military and political officials indicted by the International Tribunal still remained at large.

26. At the initiative of the President and with the support of the Prosecutor and the Registrar, a diplomatic seminar attended by over 50 embassies was held on 29 November 2000 at The Hague. The purpose of the seminar was to brief the States on the activities of each of the International Tribunal's organs and the difficulties they encountered in carrying out their respective duties. More specifically, it was designed to keep the embassies abreast of the ongoing reforms at the Tribunal.

27. Momcilo Grubač, Minister of Justice of the Federal Republic of Yugoslavia, Vladan Batić, Minister of Justice of the Republic of Serbia, and Rade Teržić Belgrade District Prosecutor, visited the International Tribunal from 20 to 22 March 2001 to meet with the President, the Prosecutor and the Registrar in order to discuss cooperation by that country in arresting the accused persons and supporting the Tribunal in carrying out its investigations in the Federal Republic of Yugoslavia.

28. Throughout the year, the President also received many ambassadors, including those from Australia, Canada, Chile, the Czech Republic, Greece, Guatemala, Hungary, Jordan, Luxembourg, Malaysia, Pakistan, the Republic of Korea, Romania, the Russian Federation, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.

29. In addition, representatives of several national organizations visited the International Tribunal to meet with the President. Among them were parliamentary delegations from the Czech Republic, Finland, the Netherlands, Norway, Switzerland and the United States of America, as well as members of the Conseil Supérieur de la Magistrature from France and a delegation from the Dutch Upper Chamber (Senate) of the Netherlands.

3. Judicial activity

30. By virtue of the powers vested in him by the Statute, the Rules of Procedure and Evidence and the directives of the International Tribunal, especially the Directive on Assignment of Counsel, the President of the Tribunal issued many orders over the past year.

31. In addition to the orders assigning judges to the various Chambers of the International Tribunal, appointing confirming judges or transmitting documents from one case to another, the President ruled on 18 January 2001 on the defence motion of Biljana Plavšić, the first woman to be indicted by the International Tribunal. After noting that the accused had expressly withdrawn her initial request to be held in a safe house or in detention in Republika Srpska, the President ordered that she should continue to be detained at the United Nations Detention Unit in adapted conditions and, in particular, that she should be detained in a section specially set aside for women and be guarded only by female guards.

32. The President also had to decide where some of the accused definitively convicted by the International Tribunal should serve out their sentences and issue many opinions regarding the rights of the detainees and remuneration paid to defence counsel.

4. Other activity

33. At the end of 2000, the steering committee of an association of citizens from Bosnia and Herzegovina addressed the President and the Prosecutor of the International Tribunal in order to obtain their opinions on the compatibility of the mandate of a truth and reconciliation commission it was proposing to set up in Bosnia and Herzegovina with the mandate of the International Tribunal. On that occasion, the steering committee submitted to them the draft law which it intended to present to the parliament of Bosnia and Herzegovina once it had been endorsed by the international community and the International Tribunal in particular.

34. The members of the committee visited the International Tribunal twice, in December 2000 and April 2001, and were received by the President and representatives of the Office of the Prosecutor. They presented their draft law and answered the many questions put to them regarding the composition, role and powers of the proposed commission.

35. Further to those meetings and on behalf of the three organs of the International Tribunal, the President produced a report with detailed comments on the draft law. The President noted in particular that the draft law assigned to the commission functions and powers similar in many respects to those within the exclusive province of the International Tribunal. The report was submitted to the members of the Truth and Reconciliation Association in April 2001.

36. On 12 May 2001, a conference entitled "An idea whose time has come: a Truth and Reconciliation Commission in Bosnia and Herzegovina" was organized in Sarajevo to allow all the parties concerned by the draft law, namely, the representatives of the international community and those from the civil society of Bosnia and Herzegovina, to air their views on the appropriateness of the commission, its legitimacy and its compatibility with the International Tribunal. The President gave a speech in which he proposed the establishment of a system of reconciliation complementary to the work of the Tribunal which would allow for a more effective contribution to the reconstruction of national unity. Nonetheless, he underscored that the mandate of the commission should in no case impinge on that of the International Tribunal.

B. The Bureau

37. The Bureau is composed of the President (Judge Claude Jorda, Chair), the Vice-President (Judge Florence Mumba) and the Presiding Judges of the Trial Chambers (Judges David Hunt, Richard May and Almiro Rodrigues). The composition of the Bureau remained unchanged during the reporting period.

38. In accordance with rule 23 of the Rules of Procedure and Evidence, the President consults the members of the Bureau on all major questions relating to the functioning of the Tribunal. Meetings are convened in consultation with all members and prepared by the Chef de Cabinet who acts as Executive Secretary of the Bureau. During the period under review, the Bureau held 10 meetings during which a variety of issues were discussed, ranging from the selection of the new Registrar to the selection of the first six ad litem judges who will be invited to join the Tribunal on 3 September.

39. Whereas the Bureau was the sole executive body to discuss the major orientations and issues of interest affecting the Tribunal during the recent years, its role has somewhat changed since the creation of the Coordination Council and the Management Committee in December 2000, which have allowed it to focus more on judicial matters and other issues of judicial organization.

C. The Coordination Council

40. The Coordination Council is composed of the President (Judge Claude Jorda, Chair), the Prosecutor (Carla Del Ponte) and the Registrar (Hans Holthuis). Meetings are normally convened once a month in consultation with the members and are prepared by the Chef de Cabinet who acts as Executive Secretary of the Council. Since its creation in December 2000, the composition of the Council has remained unchanged.

41. The Council was created pursuant to a proposal from the Working Group on Additional Reforms following the Judges Joint Seminar (ICTY and ICTR) in Ascot, United Kingdom, convened by the President. Its aim is to establish institutional cooperation between the Chambers, the Prosecutor and the Registry by providing their respective representatives with the opportunity to discuss regularly the major orientations and important issues affecting the Tribunal, whether in respect of policy, budget or administration. Hence, the Council enables the President, the Prosecutor and the Registrar to better understand each other's needs when administering and managing the organs they represent. If they are unavailable, the President, the Prosecutor and the Registrar may be represented ex officio respectively by the Vice-President, the Deputy Prosecutor and the Deputy Registrar.

42. Naturally, such coordination must come about with due regard for the basic principle of the independence of the judges and the Prosecutor.

43. Since its creation in December 2000, the Coordination Council has met on eight occasions during which a number of important issues were discussed. The Council proved to be most useful in dealing with the preparations for the next budget of the Tribunal. Moreover, the Council has triggered a new dynamic, which has had a highly positive effect on the relations between the three organs of the Tribunal.

D. The Management Committee

44. The Management Committee is composed of the President (Judge Claude Jorda, Chair), the Vice-President (Judge Florence Mumba), a judge elected by the judges sitting in plenary (Judge Fausto Pocar), the Registrar, the Deputy Registrar and the Chief of Administration. Meetings are normally convened twice a month in consultation with the members and prepared by the Chef de Cabinet who acts as Executive Secretary of the Committee. Since its creation in December 2000, the composition of the Committee has remained unchanged.

45. The Management Committee was created pursuant to a proposal from the Working Group on Additional Reforms following the Judges Joint Seminar (ICTY and ICTR) in Ascot, United Kingdom, convened by the President. Its aim is to assist the President with respect to the functions set forth in rules 19 and 33 of the Rules of Procedure and Evidence concerning, in particular, all Registry activities relating to the administrative and judicial support provided to the Chambers and to the judges. To this end, the Management Committee is expected to play a crucial role in the preparation and implementation of the budget of the Tribunal, with the exception of budgetary lines specific to the activities of the Office of the Prosecutor.

46. The Committee plays a key role in that it makes recommendations to the Registrar on the basis of the information provided by its members. While its duties and powers are more limited than those of the Coordination Council, the Management Committee ensures that the priorities and needs of the Chambers are in fact taken into account by the Registry.

47. Since its creation, the Management Committee has held only six meetings. This is partly attributable to the novelty of the Committee as well as to the overlap with the Coordination Council. The latter issue will be addressed by the Committee in the coming months. Moreover, the absence of the Prosecutor's representatives, as explicitly provided for to protect the independence of the Prosecutor, has made it difficult for the Committee to establish its authority, at a time when the Tribunal is for the first time preparing a two-year budget which is likely to have a significant impact on all three organs of the Tribunal.

E. The plenaries

48. The judges held five plenaries during the year under consideration. Three of them, the 22nd plenary of 17 July and 13 October 2000, the 23rd plenary of 29 November-1 December 2000 and 24th plenary of 11 July-12 July 2001, were ordinary plenary sessions. The sessions held on 13 December 2000 and 12 April 2001 were extraordinary plenary sessions.

49. At the plenaries, the judges examined the following issues:

- *Rights of the victims to participate and to receive compensation.* The judges came to a decision on the issue of the right of the victims to participate in the proceedings and to request compensation for the prejudice they suffered, a matter initially raised by the Prosecutor. They requested the Registry's legal service to prepare a detailed study on the issue, under the direction of the Rules Committee. The study resulted in a report which came to the conclusion that the victims of crimes under the jurisdiction of the Tribunal are entitled to claim compensation for their pain and suffering. The judges endorsed the report after the plenary session of 13 September 2000 and mandated President Jorda to recommend to the Security Council and the Secretary-General that the relevant United Nations bodies should explore in detail the methods of compensation for the victims of crimes in the former Yugoslavia.

- *Cooperation with the host country.* On several occasions, the judges addressed a variety of issues linked to relations between the International Tribunal and the Netherlands, especially the problems concerning the interpretation and application of the Headquarters Agreement. A committee composed of President Jorda, Judge Shahabuddeen, Judge Bennouna, Judge Robinson and the President's Chef de Cabinet was given a special mandate to resolve the difficulties encountered regarding cooperation between the International Tribunal and the host country.

- *Judges' seminar in Ascot.* Following their first joint seminar with the judges of the International Criminal Tribunal for Rwanda in Ascot, United Kingdom, from 29 September to 1 October 2000, the judges discussed ways to bolster the work of the entire International Tribunal at the twenty-second plenary session. In particular, they reviewed additional measures which could be taken to expedite the proceedings.

- *Amendments to the Rules of Procedure and Evidence and practice directions.* At the plenary sessions, the judges examined the reports of the Rules Committee submitted to them and adopted several amendments to the Rules of Procedure and Evidence. At the twenty-third plenary session, the judges also adopted a practice direction on the length of briefs. They also discussed the issues relating to the assignment of counsel for indigent accused, revised the Directive on Assignment of Defence Counsel and adopted a new system for remunerating them.

- *The Balkans.* The judges held several discussions on various matters relating to the situation in the Balkans, including the appropriateness of the International Tribunal taking a standpoint as regards the possible establishment of a Truth and Reconciliation Commission for Bosnia and Herzegovina.

- *Other issues.* The judges considered many other issues, such as the appointment of the Registrar and the Deputy Registrar and the elections of the permanent and ad litem judges. They also resolved several administrative issues, including those relating to courtroom management and the determination of the hearing schedules after the arrival of the ad litem judges.

F. The Rules Committee

50. Since the twenty-second session of the plenary held in July and October 2000, there have been a number of fundamental amendments to the Statute as well as the Rules of Procedure and Evidence of the International Tribunal ("the Rules"). These changes reflect an increase in the capacity of the Tribunal to fulfil its mandate more expeditiously as well as an increase in the power of judges to control the proceedings before it. Furthermore, a practice direction issued by President Jorda on 19 January 2001 also limits the lengths of briefs and motions before the International Tribunal. While there were many amendments to the Rules, only major amendments designed to expedite proceedings or accommodate

changes made to the Statute by the Security Council are discussed in detail here.

51. There were 28 amendments made to the Rules at the twenty-third session of the plenary (29-30 November and 1 December), as well as at an extraordinary session of the plenary held on 13 December 2000. Four new rules were created and one rule was deleted. These amendments entered into force pursuant to IT/183, an official document of the International Tribunal, on 19 January 2001. Of these, the most significant was the creation of rule 92 bis, which provides a framework for the admission of formal written statements and transcripts from other trials before the International Tribunal at the discretion of the Trial Chamber, having regard to a set of inclusive criteria. It also sets out criteria for the consideration of the admission of statements from witnesses who are now dead or too ill to testify, in prescribed circumstances. The purpose of the rule is to facilitate the admission by way of written statement of peripheral or background evidence in order to expedite proceedings while protecting the rights of the accused under the Statute. The rule provides that evidence pertaining to the acts and conduct of the accused cannot be given by way of written statement and that such evidence will continue to be heard by way of direct oral testimony. As a result of the creation of rule 92 bis, rule 94 ter (providing for the admission of affidavits) was deleted.[1]

52. At an extraordinary session of the plenary held in April 2001, 28 rules were amended and the practice direction governing amendments to the Rules was also modified. The plenary made numerous amendments to the Rules to reflect the amendments to the Statute of the International Tribunal pursuant to Security Council resolution 1329 (2000), which introduced the concept of ad litem judges for the Tribunal. At the same session, rule 65 ter ("Pre-Trial Judge") was amended to provide a new regime of pre-trial case management. Under the new regime, Senior Legal Officers in Chambers may assist the Pre-Trial Judge in facilitating a work plan by which the parties will be required to prepare cases for trial. This will include regular meetings between the Senior Legal Officer and the parties to assist them in the fulfilment of their obligations under the rule. Parties may also be sanctioned by the Trial Chamber if they fail to perform obligations set under the rule. Rules 73 bis and 73 ter were also amended to grant the Trial Chamber the power to determine the number of witnesses the prosecution and the defence may call in a case and to determine the time available to a party to present its evidence. Rule 90 was amended to give the Chamber the power to refuse to hear a witness whose name does not appear on the list compiled pursuant to rule 65 ter. Finally, rule 73 was amended in order that decisions rendered in the course of the trial on motions involving procedure and evidence would be without interlocutory appeal.

53. The amendments discussed above reflect only the most significant ones which deal with expedition of proceedings before the International Tribunal. Other important amendments to the Rules have also been made; they are set out in the official International Tribunal documents IT/183 and IT/188.

G. The Judicial Practices Working Group

54. During the reporting period, the Judicial Practices Working Group held four meetings. The Group's activities focused on both trial and pre-trial issues and the role of the Chambers in the expedition of proceedings.

55. The Working Group initially considered at length existing rule 94 ter.[2] Concerns were expressed with regard to the need for greater clarification and simplification of the rule. The lack of certain domestic legislation in the field of "affidavits", namely in the former Yugoslavia, was one of the obstacles faced when recourse was had to this rule. The Group expressed the view that the Rule should be amended. At the twenty-third plenary session, rule 94 ter was replaced by rule 92 bis.[3]

56. The Working Group also reflected upon the number of witnesses appearing in court as well as on the duration of their testimony. The subject of witnesses, in particular witness testimony, was thoroughly debated. The Group agreed that counsel should be able to conduct the testimony in a more efficient manner and that, to that end, specific training should be organized. Consideration was also given to the introduction of witness depositions through rule 71. The Group suggested that parties should strive to reach agreement on the expert reports during the pre-trial phase, with the aim of avoiding having to call the experts (the Trial Chamber being seized of reports for

both the Prosecution and the Defence), or should call the experts for limited purposes only.

57. The Working Group intensively discussed the use of "judicial notice" as a means of expediting proceedings. This would avoid re-litigation of consistently uncovered facts within the jurisprudence of the Tribunal. The Group further considered the need for consistency between the different Chambers when taking judicial notice.

58. The Working Group also analysed the feasibility of Senior Legal Officers playing a more active role in pre-trial matters and suggested an amendment to rule 65 ter. It was considered that a more active role by Senior Legal Officers would provide additional time for the judges to conduct judicial activities and thus constitute another way of reducing the length of trials and increasing the efficiency of the work of the Tribunal. Rule 65 ter was amended at the extraordinary plenary session held in April 2001.

59. Finally, discussions were held on matters dealing with the filing of motions, the need to reduce the number of motions filed and the length of documents, all of which have a significant impact on the translation of documents and, as a result, on the smooth and expeditious progress of the proceedings. A practice direction on the length of briefs and motions was signed by the President of the Tribunal on 19 January 2001.

H. Other activities

60. During the period under review, the judges of Trial Chambers I and II and the judges of the Appeals Chamber visited the Balkans. The purpose of the visits was to allow the judges to familiarize themselves with some of the places where violations of international humanitarian law had been committed and to afford them the opportunity to meet the local population so as to gain a better understanding of the dynamic of reconciliation operating there. Another goal of the visits, which were organized with the assistance of the Outreach Programme, was to publicize the work of the Tribunal.

61. Judges Rodrigues, Riad and Wald visited Zagreb, from 18 to 21 September 2000. During their visit they met with the Minister of Justice, Stjepan Ivanišević, judges from the highest judicial bodies and from the local tribunals and courts, the Attorney General of the Republic of Croatia and his deputies, members of the Croatian Bar Association, professors and students from the Law Faculty in Zagreb, and representatives of several international organizations. All of the meetings provided an opportunity for open exchanges covering various issues relating both to the procedures in force at the International Tribunal and the substance of the law it applies.

62. Judges Mumba, Vohrah, Liu and Hunt visited Sarajevo, from 9 to 12 October 2000. They were received by several representatives of the international community in Bosnia and Herzegovina and met with judges from the Sarajevo cantonal court, lawyers, professors from the University of Sarajevo and representatives of associations of victims. They were invited by judges and prosecutors from Bosnia and Herzegovina, including Vlado Adamović, President of the Association of Judges of the Federation of Bosnia and Herzegovina, and Jovo Rosić, President of the Supreme Court of Republika Srpska, to participate in a round-table discussion. On that occasion, they examined several issues, including reform of the domestic judicial system, deferral by the national courts, implementation of the "Rules of the Road" programme, production of judgements and compensation for victims.

III. Activity of the Chambers

A. Composition of the Chambers

63. On 28 February 2001, Judge Mohamed Bennouna (Morocco) left the Tribunal. He was replaced by Judge Mohamed Fassi Fihri, who was appointed by the Secretary-General of the United Nations in consultation with the President of the General Assembly and the President of the Security Council. The three Trial Chambers and the Appeals Chamber are composed of 14 judges, all nationals of different States. Almiro Simões Rodrigues (presiding, Portugal), Fouad Abdel-Moneim Riad (Egypt) and Patricia Wald (United States) serve in Trial Chamber I. David Anthony Hunt (presiding, Australia), Florence Ndepele Mwachande Mumba (Vice-President, Zambia) and Liu Daqun (China) serve in Trial Chamber II. Richard George May (presiding, United Kingdom), Mohamed Fassi Fihri (Morocco) and Patrick Lipton Robinson (Jamaica) serve in Trial Chamber III. The Appeals Chamber is composed of Claude Jorda (President,

France), Lal Chand Vohrah (Malaysia), Mohamed Shahabuddeen (Guyana), Rafael Nieto-Navia (Colombia), and Fausto Pocar (Italy).

64. During the period under review, three major events took place which changed the current and future composition of the Chambers. First, in anticipation of the end of the judges' current mandate on 16 November 2001 and at the proposal of the President of the Tribunal, the Secretary-General of the United Nations requested the General Assembly to hold the election for the permanent judges for the upcoming mandate covering the period from 12 November 2001 to 16 November 2005 on 16 April 2001. The three judges from Malaysia, Egypt and the United States had announced their intention not to seek a new mandate while the three judges currently holding office from Colombia, Portugal and Morocco were not re-elected for a further mandate. As a result, six new judges were elected. They are from Egypt, Germany, Malta, the Netherlands, the Republic of Korea and the United States.

65. As laid down by the Security Council in its resolution 1329 (2000), two judges of the International Criminal Tribunal for Rwanda were assigned to the Appeals Chamber by the President of the International Tribunal for the Former Yugoslavia in consultation with the President of the International Criminal Tribunal for Rwanda. Judge Mehmet Güney (Turkey) joined the International Tribunal in June and made his solemn declaration on 11 July 2001 while Judge Asoka de Zoysa Gunawardana (Sri Lanka) will do so in September 2001.

66. Following the election of a pool of 27 ad litem judges by the General Assembly on 12 June 2001, six were appointed by the Secretary-General in July to serve at the International Tribunal as of September.

67. Consequently, it is anticipated that the number of judges at the International Tribunal, currently 16 permanent judges, will rise to 22 judges in September with the addition of 6 ad litem judges, and then to 25 judges in January 2002 with the addition of 3 further ad litem judges.

B. Principal activity of the Chambers

68. The judicial activity of the Chambers of the Tribunal includes the trial and appeals proceedings (appeals of judgements and interlocutory decisions and State requests for review), the proceedings regarding the primacy of the Tribunal (rules 7 bis, 9, 10, 11 and 13 of the Rules of Procedure and Evidence of the Tribunal) and the cases of contempt of the Tribunal (rule 77 of the Rules).

69. During the period under consideration, the Chambers did not hold any rule 61 hearings (procedure in case of failure to execute a warrant).

70. The cases dealt with by the three Trial Chambers at one stage or another during the period under review are listed below.

Trial Chamber I	*Trial Chamber II*	*Trial Chamber III*
Kvočka et al.	*Kunarac et al.*	*Kordić and Čerkez*
Krstić	*Krnojelac*	*Simić and Todorović*
Naletilić and Martinović	*Brđanin and Talić*	*Kolundžija*
Galić	*Vasiljević*	*Momčilo Krajišnik and Biljana Plavšić*
Stakić	*Nikolić*	*Čelebići*
Ademi	*Obrenović*	*Milošević et al.*

71. The cases dealt with by the Appeals Chamber during the period under review were the following:

	Appeals Chamber	
Case	*Interlocutory appeals*	*Appeals on the merits (appeals currently being heard)*
Tadić	-	1[a]
Aleksovski	-	1[a]
Delalić et al.	-	4
Kvočka	5	-
Krajišnik	3	-
Jelisić	-	2
Kupreškić	-	6
Blaškić	-	1
Simić	3	-
Kordić	3	3
Brđanin	5	-
Naletilić and Martinović	3	-
Kolundžija	2	-
Kunarac	-	3
Total	**24**	**19**

[a] The *Tadić* and *Aleksovski* cases are not strictly speaking appeals on the merits and therefore are not counted as such. The two cases actually relate to contempt of the Tribunal.

1. Cases

(a) *Krstić*

72. General Radislav Krstić was transferred to the United Nations Detention Unit at The Hague on 3 December 1998. His initial appearance was held on 7 December 1998 and the accused pleaded not guilty to all the counts of genocide (or, alternatively, complicity in genocide), crimes against humanity and war crimes against him before Trial Chamber I, then composed of Judge Jorda, presiding, Judge Riad and Judge Rodrigues. An amended indictment was filed on 27 October 1999.

73. With the election of Judge Claude Jorda as President of the Tribunal, the composition of the Chamber was changed on 24 November 1999 to Judge Rodrigues, presiding, Judge Riad and Judge Wald. The accused re-entered a plea of not guilty at a new initial appearance held on 25 November before the Chamber.

74. On 28 December 1999, the defence filed a new motion based on defects in the form of some of the paragraphs of the indictment and pointed out that it considered the acts specified in support of counts 7 and 8 (deportation, inhumane acts) as being identical to those used for count 6 (persecution). The Chamber rejected the motion on 28 January 2000, while at the same time suggesting that the parties should present arguments on cumulative charging in their pre-trial briefs.

75. The trial itself opened on 13 March 2000. The prosecution closed its case on 28 July 2000 and the defence on 13 December 2000. During the defence case, the Chamber heard, inter alia, the accused's testimony, which was given under oath.

76. The beginning of the Prosecutor's rebuttal was scheduled for 15 January 2001, but the accused's medical condition made it necessary to suspend the hearings. For the same reason, the accused then filed a request for release on 25 January 2001, which was rejected the following day. General Krstić received the treatment necessary for his condition and the hearings were finally able to resume as normal on 19 March 2001. The defence concluded its rejoinder on 4 April 2001. The Chamber summoned two witnesses pursuant to rule 98 of the Rules; the witnesses appeared on 5 and 6 April 2001. The proceedings were scheduled to end on 4 May 2001. However, the prosecution filed a motion to reopen its case, to which the defence objected. On 5 June 2001, a hearing was held on both the principle and the merits.

77. The main issues raised during the period covered by the present report concern the consequences of the medical condition of an accused on the proceedings, the admission of evidence, especially radio intercepts, and the possibility of reopening the proceedings.

78. The important role played by the authorities of the Detention Unit and the Tribunal's Office of Legal Aid and Detention Matters when the accused's medical condition deteriorated should be underscored. Through negotiations and innovative proposals, a solution suitable to both the accused and the Tribunal was found. In addition, the situation demonstrated exactly why it is in the interests of a Chamber to conduct two full trials simultaneously, as is the case in Trial Chamber I. It has so far proved impossible to substitute hearing days scheduled for one case with days set for another because the parties sometimes say that they are insufficiently prepared.

79. In strictly procedural terms, the Chamber decided, inter alia, that statements allegedly made by the accused and recorded by electronic eavesdropping not performed in the context of an investigation or legal proceedings did not constitute statements within the meaning of rule 66 of the Rules, that is, those covered by the disclosure obligation. The Chamber also drew the attention of the Prosecutor to the appropriateness of ensuring that she did not use a piece of evidence to evaluate the credibility of the accused when it clearly touched upon a central point of the case. In the case in point, the Chamber refused to admit the electronic intercept at issue. It ultimately rejected many pieces of evidence during the rebuttal as it held the view that the prosecution should have presented them during its case-in-chief, and in so doing it confirmed the case law of the Appeals Chamber.

80. The Prosecutor's motion to reopen the proceedings was granted. The defence abandoned its claim that the Prosecutor had failed in her obligation to act with due diligence in presenting one document in particular. The Chamber did not find that the Prosecutor had failed in her obligations. The document for which the Prosecutor had requested that the proceedings be reopened was ultimately admitted as an exhibit.

81. In the case, the Chamber heard in total 103 prosecution witnesses, 12 defence witnesses and 2 Trial Chamber witnesses.

82. The closing arguments were presented from 26 to 29 June 2001, whereafter the Chamber declared the proceedings closed. By a scheduling order dated 24 July 2001, the Chamber decided to render its judgement on 2 August 2001.

(b) *Kvočka et al.*

83. In this case, five persons are charged with crimes alleged to have occurred in the Omarska, Keraterm and Trnopolje camps in the Prijedor region of Bosnia and Herzegovina. Two of the accused, Miroslav Kvočka and Mlađo Radić, were arrested on 9 April 1998. A third, Zoran Žigić, surrendered voluntarily to the Tribunal one week later, and Milojica Kos was arrested on 29 May 1998. All four pleaded not guilty to the charges in the indictment.

84. The case against these four accused was transferred from Trial Chamber III to Trial Chamber I on 3 February 2000. After four status conferences to resolve a number of pending matters, the trial began on 28 February 2000.

85. On 6 March 2000, a fifth accused, Dragoljub Prcać, was transferred into the custody of the Tribunal. On 10 March 2000, Mr. Prcać pleaded not guilty to the charges against him. The charges against him being quite similar to the charges against the four accused mentioned above, the cases against all five accused were joined on 14 April 2000, with the agreement of the parties.

86. The trial resumed on 2 May 2000. For the first time in the history of the Tribunal, two of the accused, Miroslav Kvočka and Mlađo Radić, chose to testify at the opening of the prosecution case. Zoran Žigić finally decided instead to make a declaration under rule 84 bis, not under oath, at the start of his defence case, which was also the first time an accused had made such a statement before the Tribunal.

87. By September 2000, Trial Chamber I had already heard the bulk of the prosecution case, which concluded on 6 October 2000 having called 46 witnesses. Four of the five defendants filed motions for acquittal at the close of the prosecution case. The Trial Chamber granted certain aspects of the motions, entering a judgement of acquittal in favour of the accused Kvočka, Kos, Radić and Prcać on those parts of the indictment which concerned the Keraterm and Trnopolje camps, and in favour of all five defendants with respect to certain allegations in support of which no evidence had been presented by the prosecution.

88. The defence case opened on 22 January 2001. All five defendants had presented their evidence by mid-June and pleadings closed on 20 July 2001.

89. In the course of the trial, the Chamber dealt with numerous procedural motions, dealing, inter alia, with the admission of exhibits and affidavit evidence, protective measures for witnesses and the testimony of experts.

(c) *Martinović and Naletilić*

90. The accused in this case are charged with crimes against humanity, war crimes and grave breaches of the Geneva Conventions. Vinko Martinović was transferred to custody of the Tribunal on 9 August 1999 and pleaded not guilty to the charges against him. Mladen Naletilić was transferred on 21 March 2000 and also entered a plea of not guilty.

91. Judge Wald, the Pre-Trial Judge, continued with the preparation of the case for trial during the reporting period. The primary procedural issue concerned the taking of deposition evidence with a view to expediting proceedings. Following lengthy negotiations, 20 witnesses were heard by the Chamber's Senior Legal Officer in the presence of the accused in July 2001, i.e., prior to commencement of the trial.

92. The Trial Chamber issued decisions on several important issues. A request by the accused Naletilić to be interrogated under application of a polygraph was denied on 27 November 2000. Later that month, the prosecution was granted leave to amend the indictment in order to better characterize the charges contained therein. This amendment gave rise to a new opportunity for the defence to file preliminary motions, and both accused challenged the new indictment by way of this mechanism. The Trial Chamber dismissed the objections on 14 February 2001.

93. The trial is due to commence in September 2001.

(d) *Galić*

94. General Stanislav Galić is charged with crimes against humanity and war crimes for acts committed between 10 September 1992 and 10 August 1994 during a campaign against the civilian population of Sarajevo. Arrested by SFOR, General Galić was transferred to the Tribunal on 21 December 1999. At his initial appearance on 29 December 1999, he pleaded not guilty to all the counts against him. The Chamber designated its Presiding Judge, Judge Rodrigues, to prepare the case for trial.

95. First, in November 2000, the defence counsel initially assigned had to be replaced. The counsel subsequently appointed undertook to work towards an expeditious trial and requested five months to prepare.

96. The Pre-Trial Judge strove to obtain precise commitments from the parties and underscored that he intended for the pre-trial management to be completed by 31 July 2001.

97. The Prosecutor met this expectation by producing a provisional brief almost in the form of a pre-trial brief, a first in the history of the Tribunal. The document provides extremely useful indications as to the facts and law which the Prosecutor means to raise during the trial and will form the basis for the Prosecutor's final pre-trial brief.

98. In addition, the Prosecutor submitted a motion for the Chamber to inspect the scene of the crime. The Pre-Trial Judge advised the parties to confer on a programme for such a visit and to state in particular the sites they considered appropriate to the trial. The Prosecutor submitted her draft on 15 March 2001.

99. The defence regretted that it did not have the resources to prepare for a trial on such a scale. It pointed out, inter alia, that it did not have sufficient experts to make a trip to Sarajevo worthwhile. Ultimately, the defence brought the matter before the President of the Tribunal.

100. At the status conference held on 14 June 2001, the Pre-Trial Judge, recalling the provisions of new rule 65 ter, instructed the parties to hold a meeting with the Chamber's Legal Officer to determine precisely the legal and factual points on which the parties could agree, or, conversely, on which they disagreed.

101. The judge scheduled the pre-trial phase of the case to end no later than 30 September.

(e) *Stakić*

102. Doctor Milomir Stakić was transferred to the United Nations Detention Unit on 23 March 2001. The case was assigned to Trial Chamber I and at his initial appearance on 28 March 2001, Doctor Stakić pleaded not guilty to the charge of genocide committed in the territory of Bosnia and Herzegovina between April 1992 and January 1993, the only count in the initial indictment.

103. This notwithstanding, the Prosecutor indicated her intention to amend the indictment and undertook to submit a motion to this effect in late July.

104. Judge Rodrigues was designated Pre-Trial Judge and he informed the parties that he intended to conclude the pre-trial phase by no later than mid-November 2001.

(f) *Ademi*

105. Rahim Ademi voluntarily surrendered to the Tribunal on 25 July 2001. At his initial appearance on 26 July 2001, the accused pleaded not guilty to the five counts against him in the indictment of 8 June 2001. He is charged with persecutions, murder, plunder of property and wanton destruction of cities, towns or villages for events which took place in the Medak pocket in September 1993.

(g) *Kunarac et al.*

106. The three accused in this case are charged in connection with their alleged participation in the detention, degrading treatment and rape of women and girls in Foča and surrounding municipalities. They are charged with crimes against humanity (rape, torture and enslavement) and violations of the laws or customs of war (rape, torture, plunder and outrages upon personal dignity).

107. Their trial commenced on 20 March 2000. The prosecution case-in-chief concluded on 13 June 2000. On 20 June 2000, the accused filed a joint motion for judgement of acquittal on certain counts in the indictments against them. On 3 July 2000, the Trial Chamber (Judge Mumba, Presiding Judge, Judge Hunt and Judge Pocar) entered a judgement of acquittal in favour of the accused Dragoljub Kunarac on count 13 of the third amended indictment, and held that Zoran Vuković had no case to answer in relation to the allegations made by Witness FWS-48. All remaining counts stood. On 3 April 2000, the prosecution withdrew counts 14 to 17 against Dragoljub Kunarac. The defence case commenced on 4 July 2000 and concluded on 20 September 2000. Rebuttal witnesses were heard on 23 October 2000.

108. On 22 February 2001, Trial Chamber II pronounced its judgement. The Trial Chamber held that the three accused had participated in the violent takeover of Foča town and municipality by the Serb forces in the spring of 1992 up to about mid-1993. Dragoljub Kunarac was found guilty on five counts of crimes against humanity (torture, rape, and enslavement) and six counts of violations of the laws or customs of war (torture and rape). He was sentenced to 28 years' imprisonment. Radomir Kovač was found guilty on two counts of crimes against humanity (rape and enslavement) and two counts of violations of the laws or customs of war (rape and outrages upon personal dignity). He was sentenced to 20 years' imprisonment. Zoran Vuković was found guilty on two counts of crimes against humanity (torture and rape) and two counts of violations of the laws or customs of war (torture and rape). He was sentenced to 12 years' imprisonment. On 6 March 2001, the three defendants filed notices of appeal against their conviction and sentence.

(h) *Krnojelac*

109. Milorad Krnojelac was detained by SFOR on 15 June 1998 and transferred to the Detention Unit the same day. A further initial appearance pursuant to an amended indictment was held on 14 September 1999, during which Krnojelac pleaded "not guilty" to all counts. Milorad Krnojelac is charged in the second amended indictment of 2 March 2000 with 18 counts of crimes against humanity, violations of the laws and customs of war and grave breaches of the Geneva Conventions for his alleged role as warden of the KP Dom camp in Foča between April 1992 and August 1993. At the start of the trial, the prosecution motion to withdraw all grave breach charges was granted by the Trial Chamber (Judge Hunt presiding, Judge Mumba and Judge Liu) and the trial proceeded on the remaining 12 counts only.

110. The prosecution filed its pre-trial brief on 16 October 2000 and the defence filed its brief on 25 October 2000. The pre-trial conference was held on 26 October 2000. The trial commenced on 30 October 2000. The prosecution case-in-chief concluded on 4 April 2001. The pre-defence conference took place on 26 April 2001 and the defence case commenced on 1 May 2001. Hearings in the *Krnojelac* case completed during the reporting period.

(i) *Vasiljević*

111. Mitar Vasiljević was detained by SFOR on 25 January 2000 and transferred to the Detention Unit the same day. The relevant indictment was confirmed on 26 August 1998 but remained under seal until his arrest. According to the indictment, in the spring of 1992, a group of local men formed a paramilitary unit in Višegrad of which Vasiljević is alleged to have been a member. Between May 1992 and at least October 1994, the accused and other members of the group allegedly killed a significant number of Bosnian Muslim civilians. The accused is charged with violations of the laws or customs of war and crimes against humanity. On 28 January 2000, at his initial appearance, he pleaded not guilty to all counts.

112. On 22 September 2000, Vasiljević entered the special defence of alibi. The prosecution filed its pre-trial brief on 11 December 2000. On 18 May 2001, at the last status conference in the reporting period, the prosecution indicated its intention to file an amended indictment taking this into account.

113. A date for the beginning of the trial has been set for 10 September 2001.

(j) *Brđanin and Talić*

114. Radoslav Brđanin was detained by SFOR on 6 July 1999 and transferred to the Detention Unit the same day. Momir Talić was arrested on 25 August 1999 and transferred to the Detention Unit the same day. Both accused pleaded not guilty to all counts at the further initial appearance hearing on 11 January 2000. The amended indictment of 17 December 1999 charges both accused for their alleged participation in the ethnic cleansing of non-Serbs from the Autonomous Region of Krajina between April and December 1992. It is alleged that, as President of the Autonomous Region of Krajina ("ARK") Crisis Staff, a prominent member of the Serbian Democratic Party and Vice-President of the Autonomous Region of the Krajina Assembly, Radoslav Brđanin played a leading role in the takeover of power in the Banja Luka region by Serbian authorities. As commander of the 5th Corps/1st Krajina Corps, Momir Talić had the authority to direct and control the actions of all forces assigned to the 5th Corps/1st Krajina Corps or within his control. Both accused are charged with genocide and crimes against humanity.

115. On 28 April 2000, Brđanin filed a motion for provisional release. A hearing on the motion was held on 20 July 2000. On 25 July 2000, the Trial Chamber denied the motion on the basis that it was not satisfied that, if released, Brđanin would appear for his trial. Brđanin filed an application for leave to appeal the decision on 1 August 2000. On 7 September 2000, a Bench of the Appeals Chamber (Judge Vohrah, Presiding Judge, Judge Shahabuddeen and Judge Nieto-Navia) rejected the Application for leave to appeal.

116. On 8 December 2000, Talić filed a motion for provisional release. A hearing on the motion was held on 2 February 2001. On 28 March 2001, Trial Chamber II issued its decision refusing the motion, concluding that it was not satisfied that, if released, Talić would appear for trial.

117. On 12 March 2001, the prosecution filed an amended indictment pursuant to the orders issued by the Trial Chamber on 20 and 23 February 2001. Those orders addressed Talić and Brđanin's respective objections to the form of the indictment.

118. No date has yet been set for the beginning of the trial.

(k) *Nikolić*

119. Following the detention by SFOR of Dragan Nikolić on 21 April 2000 and his transfer to the custody of the International Tribunal on 22 April 2000, the accused pleaded not guilty to all 80 counts charged against him at his initial appearance hearing on 28 April 2000. He is charged with grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war and crimes against humanity for his alleged role in the mistreatment of detainees at the Sušica camp where he was a commander from approximately the end of May 1992 to the end of September 1992.

120. A rule 61 hearing in the *Nikolić* case was held on 9 October 1995. This hearing was the first ever application of rule 61. On 20 October 1995, the Trial Chamber issued its decision, confirming that there were reasonable grounds for believing that the accused had committed the crimes he was charged with. It further provided for the issuance of international warrants for Dragan Nikolić's arrest to be transmitted to all States. Additionally, the Chamber asked the President of the Tribunal to inform the Security Council. On 31 October 1995, the President of the Tribunal brought the matter to the attention of the Security Council for the first time.

121. The last status conference in the reporting period was held on 30 March 2001. No date has yet been set for the beginning of the trial of Dragan Nikolić.

(l) *Obrenović*

122. Dragan Obrenović was arrested by SFOR and transferred to the United Nations Detention Unit on 15 April 2001. On 18 April 2001, his initial appearance was held. The accused pleaded not guilty to the five counts charged against him in the indictment dated 16 March 2001. He is charged with complicity in genocide, extermination, murder and persecution for his alleged involvement in the events in and around Srebrenica of the summer and autumn 1995.

(m) *Kordić and Čerkez*

123. Dario Kordić and Mario Čerkez were charged with crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws or customs of war against the Bosnian Muslims in the Lašva Valley region of central Bosnia. The trial commenced on 12 April 1999 before Trial Chamber III and both the prosecution case and the Kordić defence case were completed during the previous reporting period.

124. The defence for Mario Čerkez commenced on 24 July 2000 and called 53 witnesses and presented affidavit evidence for 17 witnesses. The Trial Chamber ordered some of those witnesses whose affidavits were tendered to give oral testimony instead.

125. After the close of the defence case, which lasted for 84 days, the Trial Chamber heard two witnesses called by the Chamber pursuant to rule 98 of the Rules of Procedure and Evidence. Four prosecution witnesses were heard in relation to the admissibility of additional evidence that had become available late in the trial. The prosecution called three rebuttal witnesses, the Kordić defence called three witnesses in rejoinder and the Čerkez defence called two rejoinder witnesses over a period of four days. The closing arguments were heard on 14 and 15 December 2000, when the case was closed. During the trial, more than 4,500 exhibits were admitted and 28,500 pages of transcripts were produced.

126. Protective measures such as the assignment of a pseudonym were granted in respect of 50 prosecution witnesses and 12 Kordić defence witnesses. Orders for safe conduct were issued in respect of 37 defence witnesses, granting limited immunity for the duration of their travel and testimony in The Hague.

127. The Trial Chamber dealt with a large number of applications from both parties relating to: provisional release, the admission of affidavit evidence, the admission of transcripts from the other factually related cases and applications for judicial assistance relating to States and other entities. With regard to the latter, based on rules 54 and 54 bis of the Rules of Procedure and Evidence, the Trial Chamber issued a binding order on 28 January 2000 to the Republic of Croatia for the production of documents, which resulted in the Republic of Croatia granting access to certain of its archives to the prosecution. On 7 September 2000, the Trial Chamber took note of compliance with the order to some extent as well as the ongoing cooperation, declining to make any further order but reiterating that the binding order remained in force. Similarly, binding orders were addressed to the Federation of Bosnia and Herzegovina: while the Kordić defence received a number of documents at the time the judgement was rendered, the prosecution had received none.

128. On 26 February 2001 the Trial Chamber issued its judgement. Dario Kordić was found guilty by virtue of his individual responsibility of four counts of crimes against humanity (persecutions on political, racial or religious grounds, murder, inhumane acts and imprisonment), five counts of violations of the laws or customs of war (unlawful attack on civilians and on civilian objects, wanton destruction not justified by military necessity, plunder of public or private property, and destruction or wilful damage to institutions dedicated to religion or education) and three counts of grave breaches of the Geneva Conventions (wilful killing, inhuman treatment and unlawful confinement of civilians). Mario Čerkez was found guilty by virtue of his individual responsibility of four counts of crimes against humanity (persecutions on political, racial or religious grounds, murder, inhumane acts, imprisonment), five counts of violations of the laws or customs of war (unlawful attack on civilians and on civilian objects, wanton destruction not justified by military necessity, plunder of public or private property, and destruction or wilful damage to institutions dedicated to religion or education), and six counts of grave breaches of the Geneva Conventions (wilful killing, inhuman treatment, unlawful confinement of civilians, cruel treatment, and taking civilians as hostages). Furthermore, the Trial Chamber found Mario Čerkez liable under article 7 (3) of the Statute on the basis that, as a commander who exercised de jure and de facto control over his brigade, he failed to take the necessary measures to prevent a number of attacks and to punish those responsible for the attacks.

129. The Trial Chamber sentenced Dario Kordić and Mario Čerkez to 25 and 15 years' imprisonment, respectively. Notices of appeal against the judgement and sentence were filed both by the defendants and by the Prosecutor.

(n) *Kolundžija*

130. On 1 August 2000, the Trial Chamber rendered a "Decision Granting Request for Documentary

Evidence", which admitted for trial proceedings three binders of documents offered by the prosecution against the accused Damir Došen and Dragan Kolundžija, and ordered the Prosecution to file a similar motion in respect of Duško Sikirica.

131. At the status conference held on 15 September 2000, the Trial Chamber decided that the accused Sikirica, arrested in July 2000, would be jointly tried with the other two accused and a trial date was set for 22 January 2001.

132. On 27 September 2000, Trial Chamber III rendered a decision on two prosecution motions for judicial notice of adjudicated facts, granting the motions in respect of 45 facts.

133. On 13 October 2000, the prosecution filed its second, revised pre-trial brief, taking into account the arrest of Sikirica, together with an amended witness list pursuant to rule 65 ter (E) (iv) of the Rules, which contained a list of witnesses whom the prosecution intended to call at trial. On 3 November 2000, the accused Sikirica and Došen filed their pre-trial briefs. On 10 November 2000, the accused Kolundžija filed his pre-trial brief.

134. At the 22 November 2000 status conference, the January trial date was postponed for organizational reasons. At the conference, the prosecution clarified certain points in the amended indictment, and counsel for Kolundžija and Sikirica confirmed their intention to offer, at trial, evidence on diminished mental responsibility and alibi, respectively. Two more binders of documentary evidence were admitted for trial proceedings.

135. At the pre-trial conference of 8 February 2001, the Trial Chamber announced the trial date for 19 March 2001.

136. Judge Mohamed Bennouna resigned from the Tribunal on 28 February 2001. By order of the President of 1 March 2001, the remaining judges of the Trial Chamber were authorized to conduct routine matters until 14 March 2001, pursuant to rule 15 bis (D) of the Rules.

137. By order of 15 March 2001, Judge Patrick Robinson was designated by the Trial Chamber as the Presiding Judge. By order of the President on the same day, Judge Mohamed El Habib Fassi Fihri was assigned to Trial Chamber III in place of the outgoing Judge Bennouna. The composition of the Chamber for the case was as follows: Judge Robinson, presiding, and Judge Richard May and Judge El Habib Fassi Fihri.

138. Prior to 19 March 2001, the Trial Chamber had made rulings on a number of motions regarding disclosure and protective measures. Several applications were also filed by the prosecution for the use of transcripts from other cases before the Tribunal, and they were granted by the relevant Trial Chamber or the President pursuant to rule 75 (D) of the Rules.

139. The trial commenced on 19 March 2001. It was expected that the prosecution's case-in-chief would finish in early June 2001, with 38 witnesses in total, including 6 whose evidence was admitted by way of admission of the transcript of their evidence in other cases, so as to shorten the length of the prosecution case pursuant to rule 92 bis of the Rules of Procedure and Evidence. Of those six witnesses, three were ordered to be called for limited cross-examination.

140. Part-way through the prosecution case, the accused Kolundžija sought and was granted new counsel for his defence. An adjournment of two weeks was granted by the Trial Chamber to enable the new counsel to familiarize himself with the case.

(o) *Simić/Todorović*

141. At the beginning of the reporting period, three of the five accused were on provisional release in Republika Srpska, a situation which still continues. The authorities of Republika Srpska provide regular reports on the whereabouts of the accused and confirm compliance with the terms and conditions of release. One of the accused has been permitted to leave the local municipality on four occasions for medical treatment that is not available locally. An application to travel to Belgrade for treatment was denied.

142. The fourth accused, Stevan Todorović, remained in custody while pursuing various challenges to the legality of his arrest. On 25 July 2000, a hearing was held on the preliminary application by the defence for an order for judicial assistance directing SFOR to provide documents and other information concerning the arrest and for a subpoena to the superior officer on duty at the relevant time. SFOR was invited to attend the hearing but instead filed written submissions addressing the power of the Tribunal to make such orders.

143. On 18 October 2000, the Trial Chamber issued its decision granting the request and ordering SFOR and its member States to provide the information sought. A number of member States sought review of the decision by the Appeals Chamber, pursuant to rule 108 bis. The Appeals Chamber stayed the orders for production pending the outcome of the review.

144. On 29 November 2000, the prosecution and the Todorović defence filed a confidential joint motion for consideration of a plea agreement between Todorović and the Office of the Prosecutor, pursuant to which Todorović would plead guilty to the charge of persecution and withdraw all pending motions while the prosecution would withdraw the remaining charges under the indictment and request a sentence of between 5 and 12 years' imprisonment. It was also a condition of the agreement that Todorović would cooperate with the prosecution and testify for the prosecution in other proceedings before the Tribunal. On 13 December 2000, Todorović appeared before Judge Robinson to enter a guilty plea to count 1 of the indictment. The matter was referred to the full Trial Chamber pursuant to rule 62 (vi) and on 19 January 2001 a finding of guilt was entered by the Trial Chamber, following which the proceedings against Todorović were separated from those against the other accused. A sentencing hearing was held on 4 May 2001, at which a number of witnesses were heard. On 31 July 2001, the Trial Chamber rendered its judgement on the guilty plea, sentencing Todorović to 10 years' imprisonment.

145. Meanwhile, on 12 March 2001, the fifth and final accused, Blagoje Simić, surrendered voluntarily to the Tribunal and entered a plea of not guilty on 15 March 2001. Following the resignation of Judge Bennouna, Judge Fassi Fihri was assigned to both the *Simić* and the *Todorović* cases on 15 March. In addition, on 20 March 2001, Judge May replaced Judge Hunt, so that the proceedings in both cases are now before Trial Chamber III in its regular composition. Following the separation of the proceedings involving Todorović and the withdrawal of the various pre-trial motions, the prosecution filed its pre-trial brief on 9 April 2001 and the defence pre-trial briefs were all filed on 7 May 2001. On 15 May 2001, the Trial Chamber granted leave to the prosecution to amend the indictment (a) to remove the references to Todorović, (b) to remove the allegation of superior responsibility for Simić pursuant to article 7, paragraph 3, of the Statute and (c) to withdraw four counts charging him with torture and wilfully causing great suffering.

146. The remaining charges against the four accused relate to alleged persecutions, deportation and unlawful transfer, both as a crime against humanity and as a grave breach of the Geneva Conventions, and torture, inhumane acts and cruel treatment resulting from various acts of beatings and sexual assaults.

147. Regular status conferences have been held in this matter, with Judge Robinson as Pre-Trial Judge.

148. The date of 10 September 2001 has been set for the start of trial. The three accused who have been granted provisional release are to return to the United Nations Detention Unit not less than one week before the commencement of trial.

(p) Krajišnik and Plavšić

149. The initial appearance of Momčilo Krajišnik was held before Judge May on 7 April 2000, at which time he pleaded not guilty to all charges against him. Biljana Plavšić's initial appearance was held on 11 January 2001, at which time she also pleaded not guilty to all charges. On 23 February 2001, the Trial Chamber issued a decision joining the two cases and on 9 March 2001 the prosecution filed a consolidated indictment against the two co-accused. Both accused are charged with genocide, crimes against humanity, violations of the laws and customs of war and grave breaches. Both accused are alleged to have been high-ranking members of the Serbian Democratic Party and, along with Radovan Karadžić and others, are accused of committing these crimes in order to secure control of those areas of Bosnia and Herzegovina which had been proclaimed part of the Serb part of Bosnia and Herzegovina.

150. The accused Momčilo Krajišnik filed preliminary motions challenging jurisdiction and the form of the indictment pursuant to rule 72 of the Rules. The Trial Chamber rejected both motions, which were subsequently appealed. The Appeals Chamber denied Krajišnik's application for leave to appeal the decision concerning the form of the indictment. The appeal against the decision on jurisdiction is still pending.

151. Soon after Biljana Plavšić's detention, the President of the International Tribunal issued an order with respect to the conditions of her detention, which required the United Nations Detention Unit to be

modified so that Ms. Plavšić, the only woman in detention, could be properly accommodated.

152. The accused Biljana Plavšić did not file any preliminary motions under rule 72 but did file a motion seeking provisional release. That motion was withdrawn in March 2001, following a change of counsel.

153. This is one of the first cases to be case managed under new provisions in rule 65 ter (which entered into force on 4 May 2001). The Pre-Trial Judge, Judge May, with the assistance of the Senior Legal Officer of the Chamber, has closely managed the preparation of this case by the parties so as to ensure readiness for trial and resolution of as many matters in contention as possible in accordance with the pre-trial work plan.

(q) *Čelebići* sentencing

154. On 20 February 2001, the Appeals Chamber issued its judgement on appeal in the *Čelebići* case and, as part of its ruling, remitted certain issues relating to sentencing of three of the accused to a Trial Chamber. On 11 April 2001, the President of the Tribunal assigned the re-sentencing proceedings to Trial Chamber III.

155. The issues to be considered include: the adjustment, if any, to be made to the sentence of Hazim Delić after the Appeals Chamber quashed his convictions on counts 1 and 2 of the indictment; the adjustment, if any, to be made to the existing sentences imposed on Zdravko Mucić, Hazim Delić and Esad Landžo, following the conclusion of the Appeals Chamber regarding the issue of cumulative convictions; the effect, if any, the original Trial Chamber's error in making adverse reference to the failure of Zdravko Mucić to give oral evidence at his trial should have on the sentence currently imposed on him; and the appropriate sentence for Zdravko Mucić, given the instruction of the Appeals Chamber as to the manifest inadequacy of the sentence of seven years currently imposed on him, and the indication by the Appeals Chamber that, for his offences, a term of 10 years' imprisonment would have been appropriate, had it not been necessary to take into account a possible adjustment in sentence because of the dismissal of the cumulative counts.

156. Briefs were due to be filed by all parties by 22 June 2001 and oral argument was set for 27 July.

(r) *Milošević* et al.

157. Slobodan Milošević was transferred from the Federal Republic of Yugoslavia into the custody of the International Tribunal on 29 June 2001. His initial appearance was held before Trial Chamber III on 3 July 2001, where his response was treated as a plea of not guilty to the four counts against him. The amended indictment dated 29 June 2001 charges Slobodan Milošević, and four others who are still at large, with crimes against humanity and violations of the laws or customs of war committed in 1999 against Kosovo Albanian civilians living in Kosovo. More specifically, the charges include deportations, murders and persecutions on political, racial and religious grounds. The trial against Slobodan Milošević, a former head of State, is expected to begin in the course of 2002.

2. Appeals

(a) Interlocutory appeals

158. Interlocutory appeals from decisions of Trial Chambers can arise under four specific rules: (a) rule 65 requests for provisional release; (b) rule 72 decisions on preliminary motions; (c) rule 73 decisions on other motions; and (d) rule 108 bis State requests for review. Trial Chamber decisions under rule 72 involving a challenge to jurisdiction under sub-rule 72 (A) (i) may be appealed as of right to the full Appeals Chamber, providing that a bench of three judges of the Appeals Chamber decides that the appeal pertains to jurisdiction as defined by rule 72 (D).[4] Apart from State requests for review under rule 108 bis, other interlocutory appeals may only proceed with leave from a bench of three Judges of the Appeals Chamber or when involving issues of evidence and procedure after certification by the Trial Chamber that rendered the decision. During the reporting period, a total of 23 new interlocutory appeals were filed.

159. One application for leave to appeal was brought before a bench of three judges of the Appeals Chamber under rule 65 (provisional release). The application was denied for failure to show good cause.

160. Five interlocutory appeals were brought pursuant to rule 72. Leave to appeal was denied by a bench of three judges of the Appeals Chamber in respect of two of them. Two other applications purported to challenge jurisdiction and therefore no leave to appeal was required. The full Appeals Chamber, however,

dismissed both of them, either because it found that the arguments raised did not challenge jurisdiction within the meaning of rule 72 (i) or, if they did, the Trial Chamber had not erred as alleged. The fifth interlocutory appeal is still pending before a bench of three judges of the Appeals Chamber.

161. During the reporting period, 21 applications for leave to appeal were brought under rule 73. Of these, one was granted leave (*Kvočka et al.* case[5]). Leave to appeal was denied in 19 applications, out of which 1 originated from the previous reporting period. One application for leave was withdrawn by the appellant and one is currently pending before a bench of three judges.

162. The Appeals Chamber rendered the following two decisions on interlocutory appeals on the merits, one having been brought during the previous reporting period.

(i) Kordić/Čerkez interlocutory appeal[6]

163. On 17 March 2000, the accused Dario Kordić and Mario Čerkez filed applications pursuant to rule 73 (B) for leave to appeal an oral decision of 10 March 2000 of Trial Chamber III. The decision granted a prosecution motion that sought to admit into evidence certain affidavits and a formal statement.

164. On 28 April 2000, a bench of the Appeals Chamber (Judge Pocar, presiding, Judge Vohrah and Judge Nieto-Navia) granted the applications for leave to appeal on the ground that the Trial Chamber's authority in relation to the admission of affidavit evidence constituted an issue of general importance under rule 73 (B) (ii). On 18 September 2000, the Appeals Chamber (Judge Nieto-Navia presiding, Judge Vohrah, Judge Wald, Judge Pocar and Judge Liu) delivered its decision on the merits. In allowing the appeal, the Appeals Chamber found that the Trial Chamber had erred in its interpretation and application of rule 94 ter. Accordingly, the Appeals Chamber directed the Trial Chamber to exclude the affidavits from evidence and to re-evaluate the admissibility of the formal statement.

(ii) Kvočka et al. interlocutory appeal[7]

165. On 12 December 2000, the accused Zoran Žigić filed an application for leave to appeal against a decision of Trial Chamber I of 5 December 2000. The decision denied a request by the accused Zoran Žigić for a suspension of any decision by the International Tribunal on questions pending before the International Court of Justice (ICJ) or a ruling that the International Tribunal would not decide upon the same legal and factual questions as ICJ.

166. On 16 February 2001, a bench of three judges of the Appeals Chamber (Judge Vohrah, presiding, Judge Shahabuddeen and Judge Nieto-Navia) granted leave to appeal on the ground that the question as to whether the proceedings before the Trial Chamber should be suspended pending the determination of the same or an allied issue by ICJ and the impact of decisions by each judicial body on the other constituted issues of general importance to proceedings before the International Tribunal or in international law generally. The Appeals Chamber (Judge Vohrah, presiding, Judge Shahabuddeen, Judge Nieto-Navia, Judge Pocar and Judge Liu) dismissed the appeal on the merits on 25 May 2001, upholding the finding in the *Čelebići* appeal that there is no reason to suspend the proceedings before the Tribunal awaiting any matters pending before ICJ.

(iii) State requests for review[8]

167. During the reporting period, the Appeals Chamber was seized of one request for review under rule 108 bis. This provision provides for States directly affected by an interlocutory decision of a Trial Chamber to request the Appeals Chamber to review the decision providing it pertains to issues of general importance relating to the powers of the Tribunal.

168. On 18 October 2000, Trial Chamber II granted a request by the accused Stevan Todorović for the disclosure of reports and documents from SFOR and the North Atlantic Treaty Organization (NATO) and for certain subpoenas to be issued. Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, the United Kingdom, the United States and NATO all filed requests for review of the Trial Chamber's decision before the Appeals Chamber pursuant to rule 108 bis. However, Todorović subsequently entered into a plea agreement with the prosecution. In view of the developments before the Trial Chamber, the Appeals Chamber (Judge Shahabuddeen, presiding, Judge Vohrah, Judge Nieto-Navia, Judge Wald and Judge Pocar) afforded the parties to the rule 108 bis-proceedings an opportunity to submit briefs as to the effect of, inter alia, the plea agreement on the continuance of the proceedings. No party requested

that the proceedings should continue with a view to a ruling being given. Accordingly, on 27 March 2001, the Appeals Chamber declared that the requests for review had become moot and vacated the impugned decision by Trial Chamber II.

(b) Appeals against judgement

169. During the reporting period, appeals against judgements have been brought before the Appeals Chamber in the *Kordić*[9] and *Kunarac*[10] cases. In addition, the appeals in the *Kupreškić*[11] and *Blaškić*[12] cases, which had been brought during the previous reporting period, are also before the Appeals Chamber. Judgements on appeal were rendered in the *Čelebići*[13] and *Jelisić*[14] cases.

(i) Čelebići appeal

170. On 16 November 1998, Trial Chamber II found three of the co-accused, Zdravko Mucić, Esad Landžo and Hazim Delić, guilty of grave breaches of the Geneva Conventions of 1949 under article 2 of the Statute and violations of the laws or customs of war under article 3 of the Statute. They were sentenced to seven, 15 and 20 years' imprisonment respectively. The fourth co-accused, Zejnil Delalić, was acquitted of all charges. The three convicted co-accused filed notices of appeal against the judgement. The prosecution also filed a notice of appeal against the judgement, challenging, inter alia, the acquittal of Zejnil Delalić.

171. During the pre-appeal hearing period, a substantial number of orders and decisions were issued by the Appeals Chamber (Judge Hunt, presiding, Judge Riad, Judge Nieto-Navia, Judge Bennouna and Judge Pocar) on various procedural and evidentiary matters. Following requests for extensions of time, the Appeals Chamber heard the oral arguments of the parties from 5 to 8 June 2000. The judgement on appeal was rendered on 20 February 2001. Judge Hunt and Judge Bennouna appended a separate and dissenting opinion in relation to the issue of cumulative convictions.

172. With respect to the prosecution's appeal, the Appeals Chamber found that the sentence of seven years' imprisonment imposed by the Trial Chamber on Zdravko Mucić was inadequate; however it upheld the acquittal of Zejnil Delalić. In respect of the appeals brought by the convicted co-accused Zdravko Mucić, Esad Landžo and Hazim Delić, the Appeals Chamber allowed the appeals relating to the convictions that the Trial Chamber had entered under articles 2 and 3 of the Statute in respect of the same criminal conduct. The Appeals Chamber found that, of the double convictions entered by the Trial Chamber, only convictions under article 2 of the Statute should be upheld, and that the convictions entered under article 3 of the Statute should be dismissed. Consequently, the Appeals Chamber quashed the relevant convictions of Zdravko Mucić, Esad Landžo and Hazim Delić. The Appeals Chamber allowed a further part of Hazim Delić's appeal on the basis that the Trial Chamber had erred in reaching certain factual findings relating to the question of whether he had participated in certain alleged criminal conduct. Accordingly, the Appeals Chamber quashed the guilty verdicts by the Trial Chamber on counts 1 and 2 and entered a judgement of acquittal on both counts. With regard to Zdravko Mucić's appeal against sentence, the Appeals Chamber also found that the Trial Chamber had erred when imposing sentence in adversely commenting on the fact that he had not given oral evidence at trial. All other aspects of the appeals were dismissed by the Appeals Chamber.

173. The Appeals Chamber remitted to a Trial Chamber to be designated by the President the issue of what adjustment, if any, should be made to the original sentences imposed on Zdravko Mucić, Esad Landžo and Hazim Delić as a result of the Appeals Chamber's decisions relating to cumulative convictions, Zdravko Mucić's sentence and the reversal of two of Hazim Delić's guilty verdicts.

(ii) Jelisić appeal

174. On 29 October 1998, Goran Jelisić pleaded guilty to 31 counts, comprising the violations of the laws or customs of war and crimes against humanity; he pleaded not guilty to the genocide count. The subsequent proceedings before the Trial Chamber were limited to the genocide count. After the prosecution completed its presentation of evidence, the Trial Chamber informed the parties that it would render a judgement pursuant to rule 98 bis (B) of the Rules, which provides that the Trial Chamber "shall order the entry of judgement of acquittal ... if it finds that the evidence is insufficient to sustain a conviction on that or those charges". The prosecution filed a motion to postpone the Trial Chamber's decision until the prosecution had been given the opportunity to present arguments.

175. On 19 October 1999, the Trial Chamber pronounced its oral judgement. Written reasons, together with sentencing, followed on 14 December 1999. The Trial Chamber decided that there was an "indissociable" link between the prosecution's motion to be heard and the judgement itself, and dismissed the motion. It convicted Goran Jelisić of the counts to which he had pleaded guilty. A single sentence of 40 years' imprisonment was imposed. The Trial Chamber acquitted him on the count of genocide pursuant to rule 98 bis (B) of the Rules.

176. Both sides appealed, the prosecution against acquittal on the genocide count, and Goran Jelisić against sentence on the counts on which he had pleaded guilty, together with a challenge to cumulative convictions. Oral arguments were heard on 22 and 23 February 2001 and judgement was rendered by the Appeals Chamber (Judge Shahabuddeen presiding, Judge Vohrah, Judge Nieto-Navia, Judge Wald, and Judge Pocar) on 5 July 2001.

177. With regard to the prosecution's appeal, the Appeals Chamber found that the Trial Chamber had erred by not hearing the prosecution, who had a right to be heard on the question of whether the evidence was insufficient to sustain a conviction. Further, the Appeals Chamber found (Judge Pocar dissenting) that the Trial Chamber had erred by applying the wrong legal standard when it entered a judgement of acquittal, pursuant to rule 98 bis (B). This led the Trial Chamber to incorrectly assess the evidence on the genocide count. However, the Appeals Chamber (Judge Shahabuddeen and Judge Wald, dissenting) did not find that it was appropriate to remit the case for further proceedings and upheld the acquittal on the genocide count.

178. As to the appeal by Goran Jelisić, the Appeals Chamber found that cumulative convictions under article 3 and article 5 of the Statute were permissible. The sentence of 40 years' imprisonment was upheld.

(iii) Kupreškić appeal

179. Trial Chamber II rendered its judgement in this case on 14 January 2000. Notices of appeal have been filed by Vladimir Šantić, Drago Josipović, Vlatko Kupreškić, Zoran Kupreškić and Mirjan Kupreškić. The prosecution has also appealed. Judge Wald is the pre-appeal judge, having taken over from Judge Bennouna upon his departure from the Tribunal in February 2001. During the reporting period, the Appeals Chamber (Judge Wald presiding, Judge Vohrah, Judge Nieto-Navia, Judge Pocar and Judge Liu) has rendered a substantial number of decisions on various procedural and evidentiary matters, primarily concerning the admission of additional evidence. This phase of the appeal is about to conclude, and all parties will thereafter be required to file their outstanding appellate briefs. The appeal hearing was held from 13 to 15 July 2001.

(iv) Blaškić appeal

180. Tihomir Blaškić filed a notice of appeal on 17 March 2000 against the Trial Chamber's judgement of 2 March 2000. Pursuant to requests by the parties, the Appeals Chamber (Judge Vohrah presiding, Judge Nieto-Navia, Judge Wald, Judge Pocar and Judge Liu) ordered that the briefing schedule should be suspended pending the resolution of certain issues relating to the admission of additional evidence. Judge Pocar is the pre-appeal Judge.

(v) Kunarac et al. appeal

181. On 22 February 2001, Trial Chamber II rendered judgement against the accused Kunarac, Kovač and Vuković. Notices of appeal have been filed by all three accused before the Appeals Chamber (Judge Jorda presiding, Judge Vohrah, Judge Shahabuddeen, Judge Nieto-Navia and Judge Liu). The appellants' briefs were due on 16 July 2001. The oral hearing is expected to take place later in 2001.

(vi) Kordić and Čerkez appeal

182. Judgement in the case against the accused Kordić and Čerkez was delivered by Trial Chamber III on 26 February 2001. Notices of appeal have been filed before the Appeals Chamber (Judge Hunt presiding, Judge Vohrah, Judge Nieto-Navia, Judge Pocar and Judge Liu) by all parties. Following a request for an extension of time, Judge Hunt, who is the pre-appeal judge, ordered that the Appellants' brief under rule 111 must be filed on 9 August 2001.

(c) Other appeals

(i) Tadić contempt appeal[15]

183. On 31 January 2000, the Appeals Chamber (Judge Shahabuddeen presiding, Judge Mumba, Judge

Cassese, Judge Nieto-Navia and Judge Hunt (acting as the first instance Chamber) held Milan Vujin, former counsel for Duško Tadić, in contempt of the Tribunal and imposed a fine of 15,000 Netherlands guilders. The decision was reached on the ground that Vujin had put forward to the Appeals Chamber, in support of an application under rule 115 to present additional evidence in the *Tadić* appeal, a case which was known to him to be false and that Vujin had manipulated two witnesses seeking to avoid any identification by them of persons who might have been responsible for the crimes for which Tadić had been convicted. On 25 October 2000, a bench of the Appeals Chamber (Judge Jorda presiding, Judge Bennouna and Judge Pocar) granted Vujin's application for leave to appeal. The Appeals Chamber (Judge Jorda presiding, Judge Bennouna, Judge Wald, Judge Pocar and Judge Liu) rendered a decision on the merits on 27 February 2001. In dismissing the appeal, a majority of the Chamber (Judge Wald dissented on the jurisdictional aspect of the judgement) upheld the impugned decision and confirmed that Vujin is to pay a fine of f. 15,000 to the Registrar of the Tribunal.

(ii) Aleksovski contempt appeal[16]

184. On 18 December 1998, Amto Nobilo, defence counsel from the Blaškić trial, lodged an appeal against a decision by the Trial Chamber in the *Aleksovski* case finding him guilty of contempt of the Tribunal under rule 77. The bench of three judges of the Appeals Chamber (Judge May, presiding, Judge Wang and Judge Hunt) granted the Appellant's application for leave to appeal on 22 December 1998. The decision of the Appeals Chamber (Judge Hunt, presiding, Judge May, Judge Bennouna, Judge Robinson and Judge Pocar) was rendered on 30 May 2001. The Appeals Chamber allowed the appeal by Mr. Nobilo and directed the Registrar to repay to him the sum of f. 4,000 paid as the fine imposed by the Trial Chamber.

(d) Review

185. On 18 June 2000, Duško Tadić filed a review of his case and proceedings, pursuant to rule 119 of the Rules with reference to the finding by the Appeals Chamber of contempt by his previous defence counsel (see sect. (c) (i) above).

IV. Activity of the Office of the Prosecutor

A. Overview

186. During the reporting period, the Office of the Prosecutor completed mass grave exhumations in Kosovo; prosecuted 7 trials; moved to the pre-trial stage in 11 others, including 4 of its largest cases; brought 8 investigations to the indictment stage; filed and/or responded to 6 post-judgement appeals; underwent a reassessment of the organization of the Office, resulting in a shift in responsibility for the conduct of investigations to the Senior Trial Attorneys; reopened its office in Belgrade; called upon States and relevant international organizations to arrest fugitives in Republika Srpska and the Federal Republic of Yugoslavia and succeeded, following intense international pressure, in obtaining the transfer from the Federal Republic of Yugoslavia of its former president, Slobodan Milošević, indicted for war crimes in 1999, to the Tribunal on 28 June 2001.

B. Prosecution activity

187. Trial and appellate work have continued at the same rate as in the previous reporting period. The Prosecutor was engaged in prosecuting 7 trials (*Kordić/Čerkez*, *Kupreškić*, *Kunarac*, *Kvočka et al.*, *Krstić*, *Sikirica* (Keraterm camp) and *Krnojelac*) involving a total of 20 accused, in one guilty plea (*Todorović*) and in the pre-trial phase of another 11 cases (*Bosanski Samac*, *Brđanin/Talić*, *Tuta/Štela*, *Galić*, *Vasiljević*, *Krajišnik/Plavšić*, *Nikolić*, *Stakić*, *Obrenović*, *Milošević* and *Ademi*) involving 17 accused. Six post-judgement appeals also involved staff of the Office of the Prosecutor during the same period: *Čelebići*, *Blaškić*, *Kordić/Čerkez*, *Kunarac*, *Kupreškić* and *Jelesić*.

188. The number of accused who either surrendered or were arrested during the reporting period is less than half that of the previous period. In June 2000, Duško Sikirica, Commander of the Keraterm camp, was detained by SFOR troops in Bosnia and transferred to The Hague. In January 2001, Biljana Plavšić surrendered herself to the Tribunal. Her case was joined with that of Momčilo Krajišnik. They are the highest-level accused to be brought before the Court for crimes committed in Bosnia and Herzegovina. In a

significant development, two accused were transferred from the Federal Republic of Yugoslavia. In March 2001, Blagoje Simić, who had been residing in Belgrade, surrendered himself to the Tribunal and the Federal Republic of Yugoslavia and Serbian authorities allowed him to leave the country. Several weeks later, Milomir Stakić was arrested in Belgrade by the local police and transferred to the Tribunal. Stakić is the surviving accused on an indictment for crimes committed in Prijedor in 1992-1993. His name had been held confidentially until his arrest. In April 2001, SFOR troops also arrested Dragan Obrenović in Zvornik for crimes committed in Srebrenica. The indictment was under seal until the arrest, at which time it was made public. On 28 June 2001, Serbian authorities decided to transfer Slobodan Milošević, former president of the Federal Republic of Yugoslavia to the Tribunal. The *Milošević* trial is likely to be the most important trial to be brought before the Tribunal. At present, Slobodan Milošević has been indicted for crimes committed in Kosovo in 1998 and 1999. However, it is the intention of the Prosecutor to indict him also for crimes committed in Bosnia and Herzegovina and in Croatia. Those indictments should be completed during the latter part of 2001. The proceedings against Slobodan Milošević may ultimately cover crimes committed throughout the whole of the former Yugoslavia over almost a decade of wars. On 25 July 2001, Rahim Ademi voluntarily surrendered to the Tribunal. Upon his surrender, the indictment in which he was charged was unsealed. Ademi is charged with crimes against humanity and violations of the laws and customs of war. Ademi held the rank of brigadier and was the Acting Commander of Croatian forces in the Gospic Military District. He is charged with persecutions of Serb civilians, murder, plunder of property and wanton destruction of cities, towns or villages in the Medak pocket in September 1993.

C. Investigative activity

1. General

189. The Prosecutor's investigative strategy continues to be to prosecute the leaders of the conflict. Lower-level perpetrators will continue to be subject to local/domestic prosecutions and there may, in the future, be a truth and reconciliation process of some kind. However, provided sufficient evidence exists, the Prosecutor continues to believe that a lasting and stable peace in the Balkans will not be achieved unless the Tribunal brings to justice those individuals who were responsible, as leaders on whatever side of the conflict, for the commission of crimes falling within the Tribunal's jurisdiction.

190. Following an earlier analysis of the investigative work to be finished, it was determined that 36 investigations remain to be completed, that is, brought to the indictment stage, and that this goal could be achieved by the end of 2004. There are currently 26 investigations remaining, of which 17 have been formally opened. While the completion of all 26 investigations remains feasible, the Prosecutor noted in April that within the 20 months that she had held office, she has signed only 8 indictments. Concerned by this number and by the increased pace of trial work anticipated with the arrival of ad litem judges and the subsequent doubling of the Tribunal's trial capacity in 2002, in May 2001, the Prosecutor embarked upon a reorganization of the focus of the work of the Prosecution and Investigation divisions of the Office. The changes represent an important shift in the responsibility for the preparation of indictments. From now on, investigations will be driven by the requirements of the Senior Trial Attorneys who will be responsible for the preparation of indictments. Investigative resources will therefore be subject to very specific legal direction: firstly, towards filling gaps in the evidence required to support the essential elements of the criminal charges; and secondly, towards meeting the demands for further enquiries generated in the pre-trial, trial and appeal phases of the prosecutions.

2. Exhumations: 2000-2001

191. The Prosecutor has carried out programmes of exhumation of human remains from mass graves in Bosnia and Herzegovina since 1996, in Kosovo since 1999 and in Croatia since 2000. The forensic work in Kosovo was completed in 2000. Over the two-year period in which exhumations were conducted in Kosovo, approximately 4,000 bodies or parts of bodies were exhumed. The work has provided the Prosecutor with an excellent picture of the extent and pattern of crimes committed in Kosovo during 1999. Also in 2000, one grave site was exhumed in Croatia and another six sites in Bosnia and Herzegovina. A new project emerged when it was learned that the Bosnian Commission was exhuming sites relevant to ongoing

prosecutions of the International Tribunal. Monitors were established to oversee the Commission's exhumations and to seize exhibits and/or bodies for examination by the Tribunal's forensic pathologists. In total, 380 bodies were seized from six Commission exhumations.

192. As the first project in 2001, the Prosecutor undertook the exhumation of four sites in a graveyard in Knin, Croatia. The work is related to allegations of killings of civilians of Serb ethnicity by Croats in 1995 during Operation Storm. While additional work is planned in Bosnia and Herzegovina for 2001, the Prosecutor has determined that exhumations by the International Tribunal will end in 2001 as there are no more known sites of particular relevance to the remaining investigations. However, a limited forensic capability will be retained in order to monitor local exhumations undertaken by other organizations or States.

3. Indictments

193. In February 2001, the Prosecutor signed and issued an indictment related to attacks on the city of Dubrovnik, Croatia, between 1 October and 31 December 1991. The charges include destruction of historic monuments and devastation not justified by military necessity. While the filing of the indictment was made public, the names of the accused and the text were not made public. Upon the surrender of Biljana Plavšić, the indictment in which she was charged was made public. Subsequently, she was joined on the same indictment with Momčilo Krajišnik and they will stand trial together. They are both charged with genocide, crimes against humanity, violations of the laws or customs of war and grave breaches of the Geneva Conventions between 1 July 1991 and 30 December 1992 in those areas of Bosnia and Herzegovina that had been proclaimed part of the Serbian Republic of Bosnia and Herzegovina. Upon the arrest of Dragan Obrenović, the previously sealed indictment containing charges against him was made public. Obrenović is charged with complicity in genocide, crimes against humanity and violations of the laws or customs of war for events that took place in Srebrenica beginning on 4 July 1995. He is charged with participating in a criminal plan and enterprise to detain, capture and summarily execute by firing squad and bury over 5,000 Muslim men and boys from the Srebrenica enclave, including the exhumation of the victims' bodies and reburial in hidden locations. In July 2001, at the request of the Prosecutor, the Chambers ordered the unsealing of an indictment and the warrant of arrest of Stojan Zupljanin, a co-accused of Radoslav Brđanin and Momir Talić. Zupljanin was the head of the regional Security Services Centre in the Autonomous Region of Krajina and as such is charged, inter alia, with genocide, including killings of the non-Serb population by the army, paramilitaries and police in villages and camps of the north-western area of Bosnia and Herzegovina in April-December 1991. Following the surrender of Rahim Ademi on 25 July 2001, the Prosecutor took action to unseal the indictment concerning the accused, Ante Gotovina, a retired Croatian Army General. Ante Gotovina is charged with crimes against humanity and violations of the law or customs of war, allegedly committed during and after a military offensive launched by Croatian forces on 4 August 1995, to retake the Krajina region from Croatian Serbs, in an operation known as "Oluja" or "Storm".

194. During the reporting period, the Prosecutor signed eight indictments. In May 2001, the Prosecutor made public for the first time that out of 38 accused at large named in both public and sealed indictments, there were 12 individuals under sealed indictment and thought to be residing in either Bosnia and Herzegovina or the Federal Republic of Yugoslavia.

D. Cooperation

1. Arrests

195. To a large extent, the success of the Tribunal in the discharge of its mandate lies in the hands of Member States. The Prosecutor has spent considerable time encouraging and urging Governments to undertake arrests of accused. She has consulted with Governments inside and outside the former Yugoslavia. Unfortunately, the rate of arrests by SFOR has dropped alarmingly compared with the same time period one year ago. Likewise, exhortations to States to insist that the Federal Republic of Yugoslavia fulfil its international obligations to hand over indicted accused have met with varying degrees of enthusiasm. It is crucial that short-term political expediency is not allowed to stay the hand of justice in the Balkans.

2. Croatia

196. Cooperation by Croatia is gradually improving. After a promising start in January 2000 in relations between the Office of the Prosecutor and Zagreb following the defeat of the HDZ, the former ruling political party, the Office was granted access to several archives containing collections of documents critically important for ongoing trials and investigations. There were some setbacks and delays, however, with regard to a number of the Prosecutor's requests for assistance in the second half of 2000. Nevertheless, direct contacts by the Prosecutor with the Government of Croatia, and the Prosecutor's readiness to assist national prosecutions of persons involved in war crimes, resolved some of the most difficult outstanding problems of cooperation, such as high-level suspect interviews and access to a politically sensitive mass grave exhumation site in Knin. In July, the Prosecutor made public the fact that two sealed indictments and arrest warrants had been given to Croatian authorities to execute. On 25 July 2001, General Rahim Ademi voluntarily surrendered to the Tribunal.

3. Federal Republic of Yugoslavia

197. The change of government in the Federal Republic of Yugoslavia following elections in October 2000 has had a significant impact on the activities of the Office. The Belgrade field office was able to reopen and investigators were granted visas to enter the Federal Republic of Yugoslavia. Discussions on modalities of cooperation related to investigative work began almost immediately following the election, and progress, although slow, is being made. Calls by the Prosecutor and others for the arrest and transfer to The Hague of indicted persons residing in the Federal Republic of Yugoslavia also began immediately after the election and intensified after the imprisonment of former President Milošević in April 2001. Citing the need for a law on cooperation with the Tribunal to be put in place before transferring accused to The Hague, President Kostunica maintained a cautious approach to the whole issue. The Prosecutor's Office participated, along with Chambers (Office of the President) and the Registry, in reviewing the draft law on cooperation. While the draft law on cooperation with the Tribunal remains to be adopted, the Government of Serbia acted to transfer Slobodan Milošević to The Hague. The Prosecutor awaits additional transfers of indicted accused from Serbia.

4. Republika Srpska

198. Cooperation with Republika Srpska remains unchanged. At its invitation, the Office of the Prosecutor made comments on a draft law on cooperation in April 2001. The authorities installed a liaison officer in The Hague as a sign of goodwill. However, there has been no effort by the authorities to apprehend fugitives known to be hiding in the Republika Srpska and to turn them over to the Tribunal, and although discussions have been frequent and cordial, no indications of any concrete move towards true cooperation in this area have been seen. There has been some progress in other areas. Investigators and attorneys of the Office of the Prosecutor are being granted access to high-level witnesses in Republika Srpska, namely former military and police personnel, as well as other witnesses. Furthermore, some documents being sought by the Office are being supplied by the authorities of Republika Srpska, but there is still much room for improvement in levels of cooperation generally.

5. Assistance in the territory of the former Yugoslavia

199. Working relationships with organizations in the territory of the former Yugoslavia remain essential to the success of the Prosecutor's mandate. SFOR troops continue to give support generously to the Office of the Prosecutor through the provision of security for her investigation missions, in the execution of search warrants and for mass grave exhumations. SFOR continues to apprehend indictees, albeit at a reduced rate. KFOR has also given consistent assistance to the Prosecutor, particularly through logistical support for mass grave exhumations and other investigative activities.

200. The Prosecutor continues to enjoy close cooperation with and support from other organizations in the region, in particular, the United Nations liaison offices, the United Nations Mission in Bosnia and Herzegovina, the United Nations Interim Administration Mission in Kosovo and the Office of the High Representative in Bosnia and Herzegovina.

E. Other activities

1. "Rules of the Road"

201. In Rome, on 18 February 1996, the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) agreed on measures to strengthen and advance the peace process. The parties agreed that persons other than those already indicted by the International Tribunal may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal. The Prosecutor agreed to assist the parties with reviewing national prosecution files. No person could be arrested pursuant to a warrant or an indictment without the prior expert review of the International Tribunal. This is the framework for the "Rules of the Road" project which is funded by voluntary contributions and is managed by the Office of the Prosecutor.

202. To date, the project has received 911 prosecution files from national prosecutors. In May 2001, the project received an additional 94 prosecution files from Sarajevo. In March 2001, the project received 13 prosecution files from Banja Luka, representing the first prosecution cases submitted from Republika Srpska. An additional 17 prosecution files were subsequently received at the end of May.

203. Due to the varying size and complexity of prosecution files, the number of cases reviewed is best represented by the number of war crimes suspects recorded in prosecution files:

Year	*Number of suspects reviewed*
1996	67
1997	88
1998	20
1999	90
2000	513
2001	916 (as at 25 July 2001)

204. The project unit has also begun to undertake a series of lectures in the region in order to increase its contacts with local prosecutors submitting files and to make a lasting contribution to improving standards.

2. Evidence collection

205. The Office of the Prosecutor holds an extensive collection of evidence. The collection, as of June 2001, numbers over 2.4 million pages and over 4,000 audio and video tapes.

3. Training

206. A second advocacy training course was held at The Hague in January 2001 for prosecutors of both International Tribunals. The trainers, from the United Kingdom and the United States, donated their time. An in-house training course has been developed by the international legal advisers on the staff and is now given twice a year. The course covers the history of the conflict, the warring factions, violations covered by the Statute, individual criminal responsibility and practice before the Tribunal.

V. Activity of the Registry

A. Office of the Registrar

207. The Registry of the Tribunal continued to exercise court management functions, provide administrative services to the Chambers and the Office of the Prosecutor and serve as the International Tribunal's channel of communication under the direction of Dorothee de Sampayo Garrido-Nijgh as Registrar until 1 January 2001, when Hans Holthuis was appointed as the new Registrar of the International Tribunal. Under his supervision the Registry has continued its aforementioned core activities, including providing information to the media and the public, administering the legal aid system under which it assigns defence counsel to indigent accused and supervising the Detention Unit, which has received detainees of an increasingly higher profile. Operating under the supervision of the Registrar, the Deputy Registrar and the Chief of Administration, the Registry continued to adopt innovative approaches to its diverse and increased tasks.

1. Immediate Office of the Registrar

208. In addition to the aforementioned activities, the Registrar, in emphasizing his role as the International Tribunal's "neutral messenger" under rule 33 of the Rules of Procedure and Evidence, has maintained diplomatic contacts with States and their representatives, with a view to the negotiation of agreements for cooperation with the Tribunal as well as promoting the Tribunal's need for voluntary contributions to support its extrabudgetary activities. Of particular importance was the newly established cooperation with the authorities of the Federal Republic of Yugoslavia, where the Registrar has played a key role, undertaking several missions to Belgrade. Together with the President, the Registrar was also actively involved in the process of establishing the pool of ad litem judges, notably by submitting an additional budget to cover them to the Advisory Committee on Administrative and Budgetary Questions of the General Assembly and receiving its approval. In recognizing the role of the International Tribunal as a "forerunner" of a future permanent International Criminal Court, the Registrar also addressed the Preparatory Commission for the International Criminal Court at its seventh session in New York, in line with the Tribunal's ongoing efforts to make available to the Preparatory Commission, and to the United Nations in general, the practical experience gained by the Tribunal over the years.

2. Registry Legal Advisory Section

209. The Registry Legal Advisory Section continued to provide legal advice to the Registrar, the Chief of Administration and other senior officials of the Tribunal on the interpretation and application of legal instruments regarding the status, privileges and immunities of the International Tribunal, international agreements with the host country and other States, administrative legal issues, commercial contracts and specific research projects in support of the Trial Chambers. In addition, senior officials of the section attended meetings of the Preparatory Commission for the International Criminal Court and addressed the delegates on the experience gained by the International Tribunal in the area of practical administrative issues pertaining to the functioning of the Court.

210. During the reporting period, the Registry Legal Advisory Section conducted extensive discussions with the host country regarding the scope and application of the Headquarters Agreement and was instrumental in the conclusion of agreements by the Registry with the host country regarding the legal status of persons performing services for the International Tribunal. Nonetheless, the Tribunal continued to encounter difficulties with respect to the implementation of its Headquarters Agreement and more specifically in relation to privileges and immunities afforded to staff members of other international organizations. This prompted the President, at the request of the judges, to establish a Working Group on the relationship between the Tribunal and the host country. The group is composed of the President, Judge Claude Jorda, Judge Shahabuddeen, Judge Robinson, Hans Holthuis, the Registrar, the President's Chef de Cabinet and the Chief of the Registry Legal Advisory Section. While the group held few meetings during the reporting period, it is expected that it become increasingly involved in the future.

211. Further legal support was provided in negotiations with individual States on enforcement of sentences and relocation of witnesses. The Agreement on the enforcement of sentences concluded with Spain on 28 March 2000 entered into force on 16 January 2001. In addition, Duško Tadić was transferred to Germany on 31 October 2000 on the basis of an ad hoc agreement concluded on 17 October 2000 between the Tribunal and the Government of Germany. That agreement followed an exequatur decision by the Regional Court of Munich I on 6 September 2000, which confirmed the 20-year prison sentence imposed by the Appeals Chamber on 26 January 2000. Negotiations for additional agreements on the enforcement of sentences are ongoing, and several agreements are expected to be concluded during the next reporting period.

212. The Registry Legal Advisory Section also assisted in the conclusion of numerous specialized commercial contracts. Research projects of the section comprised various areas of international and comparative law, including issues pertaining to the terms and conditions of judges and the newly introduced ad litem judges.

3. Public Information Services

213. During the reporting period, the Public Information Services continued to face an ever expanding public interest in the functioning of the Tribunal. Divided into four working units (Press Unit,

Legal Unit, Publications and Documentation Unit and Internet Unit), the 12 staff members of the Service did their utmost to ensure the greatest possible exposure of the Tribunal and to foster a greater knowledge of its achievements.

214. In doing so, the Services were keeping up with a surging trend, which was already noted in the period 1999-2000 but which consolidated further during the present period: while the activities of the Office of the Prosecutor continued to elicit an enormous curiosity, court proceedings before the Chambers and institutional matters were attracting an unprecedented level of interest.

215. This welcome development had led the Services to consider that the period July 2000-June 2001 was yet one more turning point in the history of the International Tribunal: the overwhelming final impression is indeed that the work the Tribunal has been engaged in for seven years has crystallized on all fronts and has borne more fruit than ever in terms of public perception.

216. The actual public information operations conducted by the four units of the Public Information Services can be outlined in brief as follows.

(a) Press Unit

217. The Press Unit is in charge of media relations, media logistics and media monitoring for the whole Tribunal. Through regular press releases or advisories, weekly press briefings or ad hoc press conferences, background discussions and on-the-record interviews with the Spokesman for the Tribunal or with the Spokesman for the Office of the Prosecutor, the Unit entertained a monthly average of 3,100 press contacts. This included the arrangements for a monthly average of 30 interviews given by the President or other judges, the Prosecutor, as well as with other senior officials. Overall, the activities of the Unit resulted in a sustained press coverage, worldwide and in all type of media outlets, of the work of the Tribunal.

(b) Legal Unit

218. The Legal Unit produces legal information materials designed to keep a wide audience, including but not limited to lawyers, abreast of developments in the courtrooms of the Tribunal. The Unit prepared and updated a weekly Status of Cases, as well as a number of more specific information sheets on outstanding indictments, ongoing trials and pre-trial cases. It also arranged for a Weekly Update to be published every Friday in order to be distributed (via facsimile and/or email) to members of the press and the diplomatic community and posted on the Internet. Moreover, the Unit continued to produce a monthly *Judicial Bulletin*, summarizing the most significant rulings of the Chambers, on procedural as well as substantive matters. The publication was distributed as widely as possible, including a mailing to 894 free subscribers (compared with 868 as of June 2000).

(c) Publications and Documentation Unit

219. The Publications and Documentation Unit accommodated 5,536 requests for copies of legal materials made public by the Registry, while 98 individuals or organizations, a majority of them law libraries, international law centres, universities and international organizations, received a dedicated weekly collection of legal documents.

220. The Unit also ran the publications programme and succeeded in publishing the third edition of the *Basic Documents* as well as a reshaped version of the booklet *The Path to The Hague*. At the time of writing, efforts were under way to publish before the end of the year additional volumes of the *Judicial Reports*, and possibly a consolidated *Yearbook* for the years 1999 and 2000.

221. The Unit is responsible for the coordination of official visits to the Tribunal by senior representatives of States or Governments as well as for running a programme of educational visits by groups, mainly student groups. During the reporting period, the Unit faced an increase in both types of visits: 11 official visits were hosted and 123 groups representing 2,766 visitors were welcomed.

(d) Internet Unit

222. The Internet Unit efficiently maintained the home page of the International Tribunal (www.un.org/icty), which has definitely proved to be a key information instrument: during the period under review, it received a monthly average of 103,000 hits (as compared with approximately 90,000 during the previous period).

223. This increase is commensurate with the general increase of public curiosity in the Tribunal, but is also the result of the continuous enrichment and growing comprehensiveness of the home page. The Internet

Unit was able to keep the home page updated on an ongoing basis with, as a matter of example, the filing of 1,745 new legal documents. The practice has also been put into place of releasing the full text of judgements, accompanied with a press release and a summary, within minutes following completion of the judgement hearing. Another very positive note is the expansion of the home page with the development of a component in the Serbo-Croatian and Albanian languages, in conjunction with the Outreach Programme (see below).

4. Outreach Programme

224. Recognizing the critical importance to the success of the Tribunal that populations in the region of the former Yugoslavia are informed about and understand the work and significance of the Tribunal, ICTY Outreach expanded its activities during the reporting period.

225. In addition to established offices in Sarajevo and Zagreb, new ICTY Outreach offices were opened in Pristina (Kosovo, Federal Republic of Yugoslavia) in January 2001 and in Belgrade in April 2001. These offices act as the Tribunal's main point of contact with the public in the territories of the former Yugoslavia. Their activities are coordinated by a small Tribunal Outreach staff in The Hague.

226. ICTY Outreach ensures that the Tribunal's activities are transparent, accessible and intelligible to different communities in the former Yugoslavia. Failure to provide such basic information not only permits groups hostile to the Tribunal to project negative and inaccurate information about the ICTY, but militates against the Tribunal achieving one of its key missions of contributing to the restoration and maintenance of peace in the region.

227. During the reporting period, ICTY Outreach has published and widely distributed previously unavailable key and basic Tribunal documents in Bosnian/Croatian/Serbian (BCS) and Albanian. These include all public indictments, judgements, rules of procedure, press releases, leaflets, etc. Such materials, amounting to several tens of thousands of pages, have been made available in print form, on CD-Rom and have been placed on an extensive BCS section of the Tribunal web site managed by Outreach.

228. Further assisting the availability of timely and accurate information on the Tribunal in languages of the region, ICTY Outreach has, with the technical assistance of the Public Information Section, established and maintained the live audio broadcast on the Internet of all public ICTY court sessions in both English and BCS. Additionally, ICTY Outreach has overseen the production of a one-hour video documentary in English and BCS that provides audiences with an introduction to the work of the Tribunal.

229. Seeking to address damaging negative perceptions in the region of the Tribunal as remote, disconnected and unresponsive, ICTY Outreach has sought to establish close contacts between the Tribunal and regional organizations, developing networks of groups and individuals. It engages local legal communities and non-governmental organizations, victims associations and educational institutions. Existing links with international intergovernmental and non-governmental organizations operating in the region have been strengthened to create a two-way channel of communication. In this regard, ICTY Outreach has overseen several major symposia in the region and ensured the participation of Tribunal representatives at numerous round tables, workshops and other similar activities across the region. Separately, ICTY Outreach has arranged for groups of Tribunal judges to travel to the region of the former Yugoslavia to meet and discuss issues with fellow legal professionals. Of particular importance, ICTY Outreach has also brought persons and groups from the region of the former Yugoslavia to the seat of the Tribunal at The Hague in order for them to meet with officials of the Tribunal and view court proceedings at first hand.

230. ICTY Outreach highlights the work of the Tribunal as an agency of reconciliation in South-Eastern Europe, playing its part in securing the rule of law for the benefit of all citizens of the region.

231. Since its inception in September 1999, ICTY Outreach has been funded through voluntary contributions. In this respect, the support of Finland, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, the United States, together with that of the John D. and Catherine T. MacArthur Foundation (Chicago, United States), is acknowledged.

232. It is proposed that ICTY Outreach be made part of the main Tribunal budget for the period 2002-2003.

5. Victims and Witnesses Section

233. The Victims and Witnesses Section is part of the Registry and is thus a neutral office working to protect and support all witnesses who appear before the Tribunal, whether called by the prosecution, the defence or by the Chambers. The section provides victims and witnesses with counselling and assistance; ensures that the safety and security needs of witnesses are adequately met; informs them of the proceedings and their rights; makes travel, accommodation, financial and other logistical and administrative arrangements for witnesses and accompanying persons; and maintains close contact with the trial teams regarding all aspects of the witnesses' appearance before the Tribunal.

234. During the reporting period, approximately 550 witnesses and accompanying persons travelled to The Hague from 30 different countries, though predominately from the region of the former Yugoslavia. This represents a 31 per cent increase in the number of witnesses over the previous period. The majority of these witnesses were victim witnesses, which required an increase in the provision of additional and specialized support services. To meet these needs the section has expanded its collaboration with Member States and national and international humanitarian services. The requirement for protection services also increased due to both prosecution and defence counsel seeking enhanced protection measures for witnesses both before and after testimony. This has prompted the International Tribunal to expand its negotiations with States regarding the relocation of witnesses.

235. While the Victims and Witnesses Section is funded through the regular budget of the Tribunal, it is also supported in its work through generous donations from Member States and the European Commission. During the reporting period the European Commission contributed to the development of the support services of the section and to the ongoing collaboration between witness sections of the International Criminal Tribunal for Rwanda and the Yugoslavia Tribunal.

236. The Victims and Witnesses Section is headed by a Chief and is composed of the Protection, Support and Operations components. The section has a total of 25 staff members.

6. Voluntary contributions

(a) Gratis personnel provided by Governments or organizations

237. In 2000, gratis personnel were requested by the Prosecutor to assist the Tribunal in the completion of work begun in Kosovo during 1999 and were exceptionally approved on a short-term basis, not exceeding six months, by the Secretary-General. Several States entered into formal agreements with the United Nations to make national experts available to the Tribunal during 2000. A total of 97 gratis personnel (a total of 106 work-months) were assigned to the Tribunal from Austria, Belgium, Canada, Denmark, Finland, France, Sweden and Switzerland.

(b) Monetary contributions and contributions in kind

238. In its resolution 47/235 of 14 September 1993, The General Assembly invited Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

239. As at 16 May 2001, the Voluntary Fund has received approximately US$ 32.9 million in contributions to the Tribunal's activities:

Contributor	*Contribution (United States dollars)*
Austria	108 547
Belgium	74 892
Cambodia	5 000
Canada	1 457 151
Chile	5 000
Cyprus	4 000
Denmark	263 715
European Union/Carnegie Foundation	1 352 534
Finland	334 739
Germany	350 000
Hungary	2 000
Ireland	121 768
Israel	7 500
Italy	2 080 049
Liechtenstein	4 985

Contributor	*Contribution (United States dollars)*
Luxembourg	219 146
Malaysia	2 500 000
Malta	1 500
MacArthur Foundation	200 000
Namibia	500
Netherlands	2 727 523
New Zealand	14 660
Norway	1 009 600
Pakistan	1 000 000
Portugal	19 998
Rockefeller Foundation	50 000
Saudi Arabia	300 000
Slovenia	10 000
Spain	13 725
Sweden	461 626
Switzerland	786 516
United Kingdom	4 384 073
United States	13 005 298
Utrecht University (Netherlands)	2 196
Other public contributions	80 647

240. The capacity of the Tribunal to carry out its mandate was enhanced throughout the period by several donations in kind. In 2000, the Rehabilitation and Research Centre for Torture Victims donated protection, counselling and support services for the Tribunal's most vulnerable witnesses, at a value of $71,278. The International Criminal Justice Resource Center donated five mobile communicators for the Victims and Witnesses Unit, valued at $3,600.

241. In addition, cash donations of $2.7 million and pledges totalling $2 million were received during the reporting period.

242. Since its commencement, the "Rules of the Road" project has received a total of 914 prosecution files from national prosecutors in Bosnia and Herzegovina and Republika Srpska. From these files, close to 1,300 suspects have been reviewed. Funding from donors has enabled work on the "Rules of the Road" to continue throughout 2000 and 2001, covering the costs of legal, translation, research and administrative staff for the project.

243. Contributions were received through the Voluntary Fund to assist the Tribunal with additional tasks arising from the conflict in Kosovo. The following activities continued to be funded during the period under Kosovo Operations: a Kosovo investigative team, a workload backfill project, a document exploitation project, assistance to local prosecutions and administrative, financial and interpretative support staff for Kosovo Operations.

244. The Outreach Programme commenced in September 1999 and has focused its efforts on improving the external perception of the Tribunal, the activities of the Tribunal and the Chambers in particular, and more clearly communicates these activities to the peoples of the former Yugoslavia (see paras. 224-232 above). Voluntary contributions assisted the project with start-up costs such as the hiring of staff, the purchase of a vehicle for the field, general operating costs, and production and promotional costs.

245. Other activities funded from voluntary contributions included the employment of one person to investigate demographic changes in Bosnia and Herzegovina and the employment of a political officer to provide additional support to the Prosecutor in her efforts to persuade Governments to arrest persons indicted for war crimes.

246. The European Commission provided support in 2000 for the Tribunal's library, the Outreach Programme and an orientation and training programme for defence counsel. The support has enabled the library to further develop its collection of books, legal journals and access to CD-ROM-based media and online legal databases. Funding for the Outreach Programme has provided staff and resources to enable the programme to carry out its activities. The Commission's support has also provided an orientation and training programme to familiarize defence counsel with the International Tribunal and its rules and practices.

247. To ensure a Tribunal-wide approach towards donations and to improve the coordination of voluntary contributions and fund-raising within the International Tribunal, the Coordination Council has decided to establish a Voluntary Contributions Coordination Committee. The Committee is chaired by the Deputy Registrar and includes representatives from each of the three organs of the Tribunal as well as a representative from the Budget Office.

248. While the substantive offices of the Tribunal remain responsible for identifying their needs and projects, the main task of the Committee is to review such proposals, pursuant to the priorities established by the Coordination Council, as well as maintaining a database of contacts with past, present and potential donors and contributors.

B. Judicial Support Division

249. The principal activity of the Division included that of the sections and groups below.

1. Court Management and Support Section

250. The Court Management and Support Section is primarily responsible for carrying out the preparatory and organizational judicial support tasks for the conduct of courtroom hearings. The tasks of the section include: receiving documents filed during the hearing and handling exhibits; preparing procedural minutes; maintaining and updating the calendar of scheduled hearings; coordinating the schedules and the use of courtroom facilities; registering and retaining custody of briefs, motions, orders, decisions, judgements and sentences; implementing court decisions and orders; drafting the court-related decisions and submissions of the Registrar; filing, indexing and distributing all case documents; maintaining the Tribunal's Record Book; arranging and setting priorities for interpretation and translation; managing the transcripts of all hearings; and storage of judicial documents. The tasks are implemented by the three units within the section: the Court Unit (court officers, court record assistants and courtroom clerks); the Transcript Unit (transcript coordinators); and the Judicial Archives Unit.

251. The workload of the Court Management and Support Section significantly increased during the reporting period owing to the increase in the number of trials and appeals being held simultaneously. Additional pre-trial activity was generated as a result of recent amendments to the Rules of Procedure and Evidence focusing on promoting active pre-trial management. Furthermore, in view of the fact that the Trial Chambers have been to a greater extent utilizing video link-ups, the section has accordingly been responsible for providing a Registry representative to oversee video links in the former Yugoslavia as well as other States where witnesses reside. During the reporting period, rule 92 bis, which governs the admissions of witness statements in lieu of oral testimony, was implemented in several cases. Representatives from the Court Management and Support Section were therefore appointed by the Registrar to act as presiding officer during this procedure.

252. The section has also focused on improving both internal and external access to non-confidential documents: all standard forms and templates related to judicial activities have been installed on an electronic archiving system for access by the Chambers, the Registrar and the Deputy Registrar, and all staff members of the Court Management and Support Section and of the Detention Unit and the Press and Information Services. There has also been a concerted effort to improve the exchange of information between the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. In accordance with the intention of the Deputy Registrar of the Yugoslavia Tribunal to establish a "Mirror Registry" seated in The Hague to facilitate the exchange and registration of documents from the International Criminal Tribunal for Rwanda, a Court Records Officer will be recruited and posted in The Hague to track, verify and expedite appeals documentation for the Rwanda Tribunal.

2. Chambers Legal Support Section

253. Further to the reorganization of the section during the previous reporting period, the role of the Deputy Registrar has been formalized by the adoption of rule 33 bis. The revised functions of the Deputy Registrar include directing and administering the Chambers Legal Support Section and, in particular, overseeing the assignment of appropriate resources to the Chambers to enable them to accomplish their mission and to take all appropriate measures to ensure the proper execution of decisions rendered by the judges and the Chambers.

254. The other major change has been the substantial additional responsibilities assigned to the Senior Legal Officers of the section in respect of pre-trial management. Pursuant to rule 65 ter (D) and under the authority and guidance of the pre-trial judge, the Senior Legal Officers may now oversee the practical implementation of and compliance with the rules governing pre-trial management, including holding pre-trial meetings with the parties.

255. The section continues to coordinate the work of the Chambers and to provide assistance with legal research, drafting and preparation of documents in both working languages and with internal administration. It assists the judges sitting in plenary session whenever there are questions concerning Chambers as a whole and, in particular, with amendments to the Rules of Procedure and Evidence and other basic documents. The legal staff of the section also provides support in connection with the preparation of verbatim transcripts of plenary sessions and on various research issues.

3. Office of Legal Aid and Detention Matters

256. The Office of Legal Aid and Detention Matters continues to deal with issues concerning the legal aid scheme, defence counsel, the legal side of Detention Unit-related problems and financial investigations into the indigence of the accused.

257. The Office totally revised the Directive on Assignment of Defence Counsel and the new version has been in force since January 2001. It now includes a definition of "indigence", the possibility of obtaining partial legal aid and time limits for appealing against the decisions of the Registrar. The Registry's remuneration system was also reviewed and a new one introduced in January 2001. It sets limits on the number of hours per case and per phase (indictment, trial and appeal) and makes a distinction between three groups on the basis of the complexity of the case, thereby allotting fewer resources to the least complicated cases. Control over the remuneration paid to assigned counsel has been retained.

258. A proposed amendment to the Code of Conduct for Counsel authorized to represent a detained person in the custody of the Tribunal is also being prepared. Likewise, the Office maintains an up-to-date list of assigned counsel which, at the end of the reporting period, included 420 names.

259. In May 2001, the Office organized the first training session for defence counsel. The programme covered substantive law and procedural issues as well as training on practical aspects of the courtrooms.

260. The Office proposed a review of the Registry's policy on privileged telephone communications between detained persons and their counsel, and a visitor database was also set up.

4. Detention Unit

261. The Unit now has the capacity to hold 47 detainees with adequate staffing and resources to provide a remand programme in keeping with international standards.

262. The staffing level has increased commensurate with the increased workload during the reporting period. It stands now at 59 guards supplied through the Netherlands prison service and financed through the "product-price" agreement. This number is augmented by one guard supplied through the Government of Austria and three through the Government of Denmark, helping to maintain the international nature of the Unit.

5. Library

263. The Tribunal library serves as a resource and research centre for the different organs of the International Tribunal as well as the defence counsel.

264. In the course of 1997-2000, the library received two grants from the European Union (EU) through the Carnegie Foundation. The first grant supported the initial phase of the library's establishment, during which a basic collection of the main sources of international law, in particular international humanitarian law, and national law, as well as general reference works, was obtained. The objectives of the second grant were the development and expansion of the library's services. The library improved its service to users, particularly by setting up a number of workstations in order to facilitate researchers' access to information, for example online legal databases such as Lexis/Nexis and Westlaw. The library was also able to acquire a more comprehensive collection of national case-law and law journals.

265. During the past year the library has expanded its activities and improved service to readers through the introduction of a number of offline legal databases. It has also continued a project initiated by the second EU grant to identify and collect documentation on national substantial and procedural criminal law.

266. The collection of books, law journals and documents on legal/judicial topics is growing rapidly and the number of requests and research services has increased significantly.

C. Administration

1. Budget and Finance sections

267. At the 88th plenary meeting of its fifty-fifth session, on 23 December 1999, the General Assembly adopted resolution 54/239 A, by which it decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia a total amount of $95,942,600 net ($106,149,400 gross) for the period from 1 January to 31 December 2000. The revised number of authorized posts stood at 848.

268. Expenditure for the year against the appropriation totalled $89,563,400 net ($99,885,900 gross), resulting in savings of $6,263,500 net ($6,379,200 gross), which represented 5.9 per cent of the above appropriation.

269. On 24 October 2000, the Secretary-General submitted his report on the financing of the Tribunal (A/55/517 and Corr.1 and Add.1), which contained the proposed requirements for 2001. These amounted to $100,180,800 net ($112,464,300 gross) including 89 additional staff posts. The report also contained the proposed requirements (A/55/517, annex IX) for six ad litem judges for six months of 2001. These amounted to $4,899,400 net ($5,280,900 gross), including 54 additional staff posts.

270. The Advisory Committee on Administrative and Budgetary Questions in its report dated 22 November 2000 (A/55/642), recommended the appropriation of an amount of $96,443,900 net ($108,487,700 gross). In its report dated 23 February 2001 (A/55/806), the Advisory Committee recommended the appropriation of an amount of $4,899,400 net ($5,280,900 gross) for six ad litem judges for six months of 2001.

271. At the 89th plenary meeting of its fifty-fifth session, on 23 December 2000, the General Assembly, having considered the report of the Fifth Committee (A/55/691), adopted resolution 55/225 A, in which it approved the appropriation of $96,443,900 net for the Tribunal for the period from 1 January to 31 December 2001. The total number of approved staff posts for this period was 914, pending consideration of the ad litem budget.

272. At the 98th plenary meeting of the same session, on 12 April 2001, the General Assembly, having considered the report of the Fifth Committee (A/55/691/Add.1), adopted resolution 55/225 B, in which it approved the appropriation of $4,899,400 net for the Tribunal for six ad litem judges for the period from 1 July to 31 December 2001.

273. The total number of approved staff posts for ad litem judges is 54, with an overall total for 2001 of 968.

2. Human Resources Section

274. This has been yet another demanding period for the Human Resources Section, with the preparation for the recruitment of 54 new posts for ad litem judges as of May 2001 as well as consistently ongoing vacancies to be filled in the General Service and Professional categories. The section will have processed 6,000 applications by the end of July 2001. In addition to actual recruitment, Human Resources will have overseen the administration of a total of 1,165 staff members. This includes 470 at the Professional level (36 per cent of which are female) and 695 at the General Service level; 33 per cent of staff have been internationally recruited, with staff members coming from 78 different countries. A total of 40 other personnel have provided gratis services to the Tribunal (mainly made up of interns). The number of short-term appointments (court reporters and conference interpreters) for the period totalled 323. The number of consultants and individual contractors in the reporting period (field interpreters, expert witnesses, exhumation project personnel and witness assistants) totalled 869. Eleven in-house training courses have been held and almost 30 staff members will have attended specialized technical training. Training in the new Performance Appraisal System (PAS) was given to 912 staff members; the PAS was successfully implemented in January 2001.

3. Conference and Language Services Section

275. The growth of the Tribunal was reflected in the ever increasing demand for language-related services in translation and consecutive and simultaneous interpretation, placing the existing resources of the Conference and Language Services Section under a heavy strain. In order to ensure a timely and efficient response to these demands, especially with the advent of the ad litem judges, the section continued to draw on outside contractors while at the same time stepping up its proactive recruitment drive in its search for qualified professional staff. This entailed organizing a greater number of competitive examinations in translation and interpretation both at The Hague and

abroad. Special emphasis was placed on finding French translators willing to work in The Hague, given the strong competition the section faces from other international organizations seeking to recruit this stratum of professionals. Meanwhile, use of the Albanian language continued to figure regularly in interpretation and translation, requiring the section to tap into its pool of field interpreters.

276. CLSS continues to provide transcripts of all courtroom proceedings in English and French, with a view to ensuring the highest quality service in the most cost-effective way.

4. General Services Section

277. The General Services Section provides a broad range of basic support services to all divisions of the Tribunal and to all staff members, which now number over 1,100. This support includes the provision of travel services, personal effects shipments, visa and entitlements, logistics, supply stores operation, vehicle fleet management, reprographic services and a complete range of building management services to its operations in The Hague as well as to its field operations. During the reporting period, the section undertook a reorganization and logical realignment of service functions with a view to achieving a more efficient distribution of workload in order to accommodate the increasing demand for services caused by the continued growth of the Tribunal. The efficiencies gained from the reorganization of services have permitted the section to respond to the increased demands without an increase in available resources.

5. Electronic Support Services and Communication Section

278. The Electronic Support Services and Communication Section provides basic infrastructural support to all divisions of the Tribunal. This support includes the provision of computer, network, telephone and audio-visual services and equipment. During the reporting period, the section underwent restructuring to reflect the growth of the Tribunal overall and the maturation of the services provided. This restructuring allowed the section to respond to the increased demands for its services and supported increased courtroom activity and extensive field activities of the Office of the Prosecutor, without a commensurate increase in the resources available.

6. Security and Safety Section

279. The Security and Safety Section has expanded further during the reporting period and now has a total of 143 posts, representing 27 nationalities, making it the largest section in the International Tribunal. The range of tasks confronting the section remains substantial, with officers deployed to all Tribunal field offices and exhumation sites, as well as the three buildings used by the Tribunal at The Hague. Officers from the section were also among the first to deploy to the Tribunal's reopened Belgrade office. In the latter part of 2001, the section will also be confronted by the extension of courtroom hours caused by the arrival of the ad litem judges and the related need to run additional trials.

VI. Conclusion

280. The period under review has been marked by the implementation of the far-reaching reforms undertaken by the International Tribunal to accomplish the mandate it received from the international community with even more expeditiousness. In the short term, the reforms will provide it with the resources to try without excessive delay all of the accused who have been or will soon be arrested by the States, which are now more willing to cooperate with the Tribunal. In the longer term, the reforms will enable the International Tribunal to make a more effective contribution to the restoration and maintenance of peace in the Balkans. However, the International Tribunal alone cannot carry out all the work required to reconstruct a national identity, without which there can be no deep-rooted or lasting peace. For this reason, it must even more keenly encourage the domestic courts and indeed other extrajudicial mechanisms of reconciliation to pick up its work on a national level.

281. In early 2000, the judges of the International Tribunal undertook a general study of the ways to try within a reasonable time frame all of the accused who were or would be in detention. They proposed to the Security Council that the Statute of the Tribunal should be amended so that a pool of ad litem judges, to be called upon to rule in specific cases when so required, would be available to the International Tribunal and two additional judges would be assigned to the Appeals Chamber. On 30 November 2000, the Security Council approved the proposed reforms and amended the Statute accordingly. The first six ad litem judges were

elected in June 2001 and will serve at the International Tribunal as of September 2001.

282. Furthering the efforts to institute internal reforms, the International Tribunal also streamlined many of the rules of procedure and evidence. The Senior Legal Officers may now manage certain aspects of the pre-trial phase, while the judges are invested with new powers of control over the proceedings. For example, they may set the number of witnesses the parties can call to testify and determine how much time they have to present their cases. Under some circumstances, the judges may also base their decisions upon written submissions instead of courtroom testimony.

283. The reforms will enable the International Tribunal to try within a reasonable time frame all of the accused being detained in The Hague as well as those soon to be apprehended. In this respect, the arrest and subsequent transfer of Slobodan Milošević to The Hague marks the new resolve of the Federal Republic of Yugoslavia, a sovereign State Member of the United Nations, to comply with its international obligations arising out of Security Council resolution 827 (1993) and article 29 of the Statute of the Tribunal. It augurs well for a substantial, sustained improvement in future cooperation with the International Tribunal and is also a symbolic moment of utmost importance. For the first time in history, a president arrested by the authorities of a State whose head he once was will be tried by an international tribunal. The Republic of Croatia has also demonstrated increased willingness to cooperate with the Tribunal by opening up many of its archives to the Prosecutor.

284. These hopes must not mask the fact that several accused, high-ranking political and military figures, remain at large, especially in Republika Srpska. These very accused, who by the high offices they held and the gravity of the acts ascribed to them destabilized international public law and order, are the ones who must first and foremost answer for their acts before an international tribunal, guarantor of the peace and security of mankind.

285. Nevertheless, even if it tries the major military leaders and high-ranking political officials, which would unquestionably have a very significant impact on the process of national reconciliation and the prevention of crimes, the International Tribunal will nonetheless have a limited scope of action. For instance, it cannot try all those who perpetrated serious violations of international humanitarian law during a conflict which lasted over five years or hear all the witnesses. Moreover, it is not for the Tribunal to analyse all the historical, political, sociological and economic causes of the war, or to perform alone all the work of memory required for the reconstruction of a national identity.

286. This is why its work must be picked up by the domestic courts and, where need be, the civil society initiatives designed to gradually re-establish the civic bond. It is with this in mind that the International Tribunal has always encouraged the efforts of the courts of the States and entities of the former Yugoslavia, which have attached great importance to trying independently and impartially the "subordinates who carried out the orders". It is also with this in mind that the International Tribunal welcomed the establishment of a truth and reconciliation commission in Bosnia and Herzegovina, though only insofar as its mission complements that of the Tribunal.

287. The International Tribunal must therefore broaden the dialogue with all those who, on a national level, are taking up the vital task of building upon, and if need be bolstering, its work of peace and reconciliation.

Notes

[1] Paragraph (F) of rule 89 was created providing for the Chamber to receive the evidence of a witness in written form, where the interests of justice allow. This changes the previous position under paragraph (A) of rule 90 (now deleted), which had stated a preference for oral testimony.

[2] Former rule 94 ter provided that "to prove a fact in dispute [a party may] submit in corroboration ... affidavits or formal statements signed ... in accordance with the law and procedure of the State ...".

[3] That rule allows for the admission of written statements, or transcripts of proceedings before the Tribunal, as long as it "goes to proof of a matter other than the acts and conduct of the accused".

[4] This condition is the result of a recent amendment to the rule. So far, the Appeals Chamber has not applied it since the interlocutory appeals brought under rule 72 (B)(i) were both filed before the rule was amended.

[5] IT-98-30/1-AR73.5.

[6] IT-95-14/2-AR73.6.

[7] IT-98-30/1-AR73.5.

[8] IT-95-9-AR108 bis.

[9] IT-95-14/2-A.

[10] IT-96-23-A and IT-96-23/1-A.

[11] IT-95-16-A.

[12] IT-95-14-A.

[13] IT-96-21-A.

[14] IT-95-10-A.

[15] IT-94-1-A-AR77.

[16] IT-95-14/1-AR77.

Annex I

International Tribunal for the Former Yugoslavia

30 indictments

69 indicted persons

04/11/94 **NIKOLIĆ ("SUŠICA CAMP")**

Last amended 12/02/99

IT-94-2 Dragan Nikolić: g., v., c.

13/02/95 **MEAKIĆ *ET AL.* ("OMARSKA CAMP")**

Last amended 02/06/98

IT-95-4 Željko Meakić: g., v., gen., c.

Momčilo Gruban: g., v., c.

Dušan Knežević: g., v., c. See also "*Keraterm camp*" 21/07/95)

13/02/95 **BOROVNICA ("PRIJEDOR")**

Last amended 14/12/95

IT-94-3 Goran Borovnica: g., v., c.

21/07/95 **SIKIRICA *ET AL.* ("KERATERM CAMP")**

Last amended 03/01/01

IT-95-8 Duško Sikirica: g., v., gen., c.

Damir Došen: v., c., *last amended 03/01/01*

Dragan Fuštar: g., v., c.

Dragan Kolundžija: v., c., *last amended 03/01/01*

Nenad Banović: g., v., c.

Predrag Banović: g., v., c.

Dušan Knežević: g., v., c. See also "*Omarska camp*" (13/02/95)

21/07/95 **SIMIĆ *ET AL.* ("BOSANSKI ŠAMAC")**

Last amended 25/03/99

IT-95-9 Blagoje Simić: g., c.

Milan Simić: g., v., c.

Miroslav Tadić: g., c.

Simo Zarić: g., c.

Stevan Todorović: g., v., c.

21/07/95 **JELISIĆ AND ČEŠIĆ ("BRČKO")**

Last amended 19/10/98

IT-95-10 Goran Jelisić: v., gen., c.

Ranko Češić: v., c.

25/07/95 **MARTIĆ ("ZAGREB BOMBING")**

IT-95-11 Milan Martić: v.

	KARADŽIĆ AND MLADIĆ ("BOSNIA AND
25/07/95	**HERZEGOVINA")**
IT-95-5	Radovan Karadžić: g., v., gen., c. See also "*Srebrenica*" (16/11/95)
	Ratko Mladić: g., v., gen., c. See also "*Srebrenica*" (16/11/95)
29/08/95	**RAJIĆ ("STUPNI DO")**
IT-95-12	Ivica Rajić: g., v.
07/11/95	**MRKŠIĆ *ET AL.* ("VUKOVAR HOSPITAL")**
	Last amended 02/12/97
IT-95-13a	Mile Mrkšić: g., v., c.
	Miroslav Radić: g., v., c.
	Veselin Šljivančanin: g., v., c.
10/11/95	**BLAŠKIĆ ("LAŠVA VALLEY")**
	Last amended (corrigendum) 16/03/99
IT-95-14	Tihomir Blaškić: g., v., c.
10/11/95	**KORDIĆ *ET AL.* ("LAŠVA VALLEY")**
IT-95-14/2	Dario Kordić: g., v., c.
	Mario Čerkez: g., v., c.

10/11/95 **MARINIĆ ("LAŠVA VALLEY")**

Kept secret until disclosure on 27/06/96

IT-95-15 Zoran Marinić: g., v.

10/11/95 **KUPREŠKIĆ *ET AL.* ("LAŠVA VALLEY")**

Last amended 09/02/98

IT-95-16 Zoran Kupreškić: v., c.

Mirjan Kupreškić: v., c.

Vlatko Kupreškić: v., c.

Vladimir Šantić: v., c.

Drago Josipović: v., c.

16/11/95 **KARADŽIĆ AND MLADIĆ ("SREBRENICA")**

IT-95-18 Radovan Karadžić: v., gen., c.

See also "*Karadžić and Mladić*" (25/07/95)

Ratko Mladić: v., gen., c.

See also "*Karadžić and Mladić*" (25/07/95)

21/03/96 **MUCIĆ *ET AL.* ("ČELEBIĆI CAMP")**

Last amended 19/01/98

IT-96-21 Zdravko Mucić: g., v.

Hazim Delić: g., v.

Esad Landžo: g., v.

26/06/96	**GAGOVIĆ *ET AL.* ("FOČA")**
IT-96-23/2	Gojko Janković: v., c., *last amended 07/10/99*
	Dragan Zelenović: v., c., *last amended 07/10/99*
	Radovan Stanković: v., c., *last amended 07/10/99*
IT-96-23	Radomir Kovač: c., *last amended 01/12/99*
	Dragoljub Kunarac: v., c., *last amended 01/12/99*
IT-96-23/1	Zoran Vuković: v., c., *last amended 21/02/00*
	(Kunarac, Kovač and Vuković appear together in cases IT-96-23 and IT-96-23/1).
13/03/97	**STAKIĆ**
	Kept secret until its disclosure on 23/03/01
IT-97-24	Milomir Stakić: gen.
17/06/97	**KRNOJELAC ("FOČA")**
	Kept secret until its disclosure on 15/06/98; last amended 21/07/99
IT-97-25	Milorad Krnojelac: g., v., c.
26/08/98	**VASILJEVIĆ ("VIŠEGRAD")**
	Kept secret until its disclosure on 25/01/00 and 30/10/00
IT-98-32	Mitar Vasiljević: c., v.
	Milan Lukić: c., v.
	Sredoje Lukić: c., v.

02/11/98 **KRSTIĆ ("SREBRENICA")**

Kept secret until its disclosure on 02/12/98, last amended 27/10/99

IT-98-33 Radislav Krstić: gen., v., c.

09/11/98 **KVOČKA *ET AL.* ("OMARSKA AND KERATERM CAMPS")**

IT-98-30 Miroslav Kvočka: v., c., *last amended 26/10/00*

Mlađo Radić: v., c., *last amended 26/10/00*

Milojica Kos: v., c., *last amended 26/10/00*

Zoran Žigić: v., c., *last amended 26/10/00*

IT-98-30/1 Dragoljub Prcać: v., c., *last amended 24/10/00*

See also "*Omarska camp*" (13/02/95)

21/12/98 **NALETILIĆ AND MARTINOVIĆ ("TUTA AND ŠTELA")**

IT-98-34 Mladen Naletilić: g., v., c., *last amended 04/12/00*

Vinko Martinović: g., v., c., *last amended 04/12/00*

14/03/99 **BRĐANIN ("KRAJINA")**

Kept secret until its disclosure on 06/07/99

IT-99-36 Radoslav Brđanin: v., gen., c., g., *last amended 17/02/99*

Momir Talić: v., gen., c., g., *last amended 17/12/99*

26/03/99	**GALIĆ ("SARAJEVO")**
	Kept secret until its disclosure on 22/12/99
IT-98-29	Stanislav Galić: v., c.
24/05/99	**MILOŠEVIĆ *ET AL.* ("KOSOVO")**
	Kept secret until its disclosure on 27/05/99
IT-99-37	Slobodan Milošević: c., v.
	Milan Milutinović: c., v.
	Nikola Šainović: c., v.
	Dragoljub Ojdanić: c., v.
	Vlajko Stojiljković: c., v.
21/03/00	**KRAJIŠNIK AND PLAVŠIĆ ("BOSNIA AND**
IT-00-39 & 40	**HERZEGOVINA")**
IT-00-39	Momčilo Krajišnik: gen., c., v., g.
IT-00-40	Biljana Plavšić: gen., c., g., v.
16/03/01	**OBRENOVIĆ**
	Kept secret until its disclosure on 15/04/01.
IT-01-43	Dragan Obrenović: gen., c., v
08/06/01	**ADEMI**
	Kept secret until its disclosure on 25/07/01.
IT-01-46	Rahim Ademi: c., v.

08/06/01 **GOTOVINA**

Kept secret until its disclosure on 26/07/01.

IT-01-45 Ante Gotovina: c., v.

NOTES

g.: grave breach of the Geneva Conventions of 1949 (article 2 of the Statute of the Tribunal).

v.: violation of the laws or customs of war (article 3 of the Statute of the Tribunal).

gen.: genocide (article 4 of the Statute of the Tribunal).

c.: crime against humanity (article 5 of the Statute of the Tribunal).

The above accused are not all at the same stage of the proceedings. Twenty-six indicted persons remain at large (see annex III) while forty-three accused or convicted persons are currently in proceedings at the Tribunal.

Annex II

List of persons detained at the United Nations Detention Unit: 40 are incarcerated

Arrested (3)	Detained by international forces (19)	Surrendered voluntarily (12)	Transferred by States (5)
Zdravko MUCIĆ Mucić *et al.* case (IT-96-21-4) Date of arrest: 18/03/96 (Vienna, Austria) Initial appearance: 11/04/96 Judgement: 16/11/98 Sentence: 7 years' imprisonment	Vlatko KUPREŠKIĆ Kupreškić *et al.* case (IT-95-16-A) Date of arrest by SFOR: 18/12/97 Initial appearance: 16/01/98	Tihomir BLAŠKIĆ Blaškić case (IT-95-14-A) Date of voluntary surrender: 01/04/96 Initial appearance: 03/04/96	Vinko MARTINOVIĆ Naletilić and Martinović case (IT-98-34-PT) Date of transfer by the Croatian authorities: 09/08/99 Initial appearance: 24/03/00
Hazim DELIĆ Mucić *et al.* case (IT-96-21-A) Date of arrest: 02/05/96 in Bosnia and Herzegovina Initial appearance: 18/06/96 Judgement: 16/11/98 Sentence: 20 years' imprisonment	Goran JELISIĆ Jelisić case (IT-95-10-A) Date of arrest by SFOR: 22/01/98 (Bijeljina, Bosnia and Herzegovina) Initial appearance: 26/01/98	Dario KORDIĆ Kordić and Čerkez case (IT-95-14/2-A) Date of voluntary surrender: 06/10/97 Initial appearance: 08/10/97	Momir TALIĆ Brdanin and Talić case (IT-99-36-PT) Date of arrest and transfer by Austria: 25/08/99 Initial appearance: 31/08/99
Esad LANDŽO Mucić *et al.* case (IT-96-21-A) Date of arrest: 02/05/96 in Bosnia and Herzegovina Initial appearance: 18/06/96 Judgement: 16/11/98 Sentence: 15 years' imprisonment	Miroslav KVOČKA Kvočka *et al.* case (IT-98-30-1/T) Date of arrest by SFOR: 08/04/98 Initial appearance: 14/04/98	Mario ČERKEZ Kordić and Čerkez case (IT-95-14/2-A) Date of voluntary surrender: 06/10/97 Initial appearance: 08/10/97	Mladen NALETILIĆ Naletilić and Martinović case (IT-98-34-PT) Date of transfer by the Croatian authorities: 21/03/00 Initial appearance: 24/03/00
	Mladen RADIĆ Kvočka *et al.* case (IT-98-30-1/T) Date of arrest by SFOR: 08/04/98 Initial appearance: 14/04/98	Zoran KUPREŠKIĆ Kupreškić *et al.* case (IT-95-16-A) Date of voluntary surrender: 06/10/97 Initial appearance: 08/10/97	Milomir STAKIĆ Stakić case (IT-97-24-PT) Date of transfer by the FRY authorities: 23/03/01 Initial appearance: 28/03/01
	Milojica KOS Kvočka *et al.* case (IT-98-30-1/T) Date of arrest by SFOR: 28/05/98 Initial appearance: 02/06/98	Mirjan KUPREŠKIĆ Kupreškić *et al.* case (IT-95-16-A) Date of voluntary surrender: 06/10/97 Initial appearance: 08/10/97	Slobodan MILOŠEVIĆ Milošević *et al.* case (IT-99-37-PT) Date of transfer by the FRY authorities: 28/06/01 Initial appearance: 03/07/01
	Milorad KRNOJELAC Krnojelac case (IT-97-25-T) Date of arrest by SFOR: 15/06/98 Initial appearance: 18/06/98	Vladimir ŠANTIĆ Kupreškić *et al.* case (IT-95-16-A) Date of voluntary surrender: 06/10/97 Initial appearance: 08/10/97	
	Stevan TODOROVIĆ Simić *et al.* case (IT-95-9-1/T) Date of arrest by SFOR: 27/09/98 Initial appearance: 30/09/98	Drago JOSIPOVIĆ Kupreškić *et al.* case (IT-95-16-A) Date of voluntary surrender: 06/10/97 Initial appearance: 08/10/97	

Arrested (3)	Detained by international forces (19)	Surrendered voluntarily (12)	Transferred by States (5)
	Radislav KRSTIĆ Krstić case (IT-98-33-T) Date of arrest by SFOR: 02/12/98 Initial appearance: 07/12/98	Dragoljub KUNARAC Kunarac *et al.* case (IT-96-23 and 23/1-A) Date of voluntary surrender: 04/03/98 Initial appearance: 09/03/98	
	Dragan KOLUNDŽIJA Sikirica *et al.* case (IT-95-8-PT) Date of arrest by SFOR: 07/06/99 Initial appearance: 14/06/99	Zoran ŽIGIĆ Kvočka *et al.* case (IT-98-30/1-T) Date of voluntary surrender: 16/04/98 Initial appearance: 20/04/98	
	Radoslav BRĐANIN Brđanin and Talić case (IT-99-36-PT) Date of arrest by SFOR: 06/07/99 Initial appearance: 12/07/99	Biljana PLAVŠIĆ Krajišnik and Plavšić case (IT-00-39 and 40-PT) Date of voluntary surrender: 10/01/01 Initial appearance: 11/01/01	
	Radomir KOVAČ Kunarac *et al.* case (IT-96-23 and 23/1-A) Date of arrest by SFOR: 02/08/99 Initial appearance: 04/08/99	Blagoje SIMIĆ Simić *et al.* case (IT-95-9-PT) Date of voluntary surrender: 12/03/01 Initial appearance: 15/03/01	
	Damir DOŠEN Sikirica *et al.* case (IT-95-8-PT) Date of arrest by SFOR: 25/10/99 Initial appearance: 08/11/99	Dragan OBRENOVIĆ Obrenović case (IT-01-43-PT) Date of voluntary surrender: 15/04/01 Initial appearance: 18/04/01	
	Stanislav GALIĆ Galić case (IT-98-29-PT) Date of arrest by SFOR: 21/12/99 Initial appearance: 29/12/99	Rahim ADEMI Ademi case (IT-01-46-I) Date of voluntary surrender: 25/07/01 Initial appearance: 26/0701	
	Zoran VUKOVIĆ Kunarac *et al.* case (IT-96-23 and 23/1-A) Date of arrest by SFOR: 23/12/99 Initial appearance: 29/12/99		
	Mitar VASILJEVIĆ Vasiljević case (IT-98-32-PT) Date of arrest by SFOR: 25/01/00 Initial appearance: 28/01/00		
	Dragoljub PRCAĆ Kvočka *et al.* case (IT-98-30/1-T) Date of arrest by SFOR: 05/03/00 Initial appearance: 10/03/00		
	Momčilo KRAJIŠNIK Krajišnik and Plavsić case (IT-00-39 and 40-PT) Date of arrest by SFOR: 03/04/00 Initial appearance: 07/04/00		

Arrested (3)	Detained by international forces (19)	Surrendered voluntarily (12)	Transferred by States (5)
	Dragan NIKOLIĆ Nikolić case (IT-94-2-PT) Date of arrest by SFOR: 22/04/00 Initial appearance: 28/04/00		
	Dulko SIKIRICA Sikirica *et al.* case (IT-95-8-PT) Date of arrest by SFOR: 25/06/00 in Bosnia and Herzegovina Initial appearance: 07/07/00		

Note:

Zejnil Delalić [*Delalić et al*, case (IT-96-21-A)] has been released and has left the United Nations Detention Unit for the duration of the appeals proceedings. The accused Duško Tadić [*Tadić* case (IT-94-1)], Zlatko Aleksovski [*Aleksovski* case (IT-95-14/2)], and Anto Furundžija [*Furundžija* case (IT-95-17)] have been transferred to the States where they will serve their sentences.

Annex III

Persons publicly indicted by the International Tribunal who remain at large

Name of the accused	Date of the indictment	Last known place of residence
Željko Mećakić	13/2/95	BH (Republika Srpska)
Momčilo Gruban	13/2/95	BH (Republika Srpska)
Dušan Knežević	13/2/95, 21/7/95	BH (Republika Srpska)
Goran Borovnica	13/2/95	BH (Republika Srpska)
Dragan Fuštar	21/7/95	BH (Republika Srpska)
Nenad Banović	21/7/95	BH (Republika Srpska)
Predrag Banović	21/7/95	BH (Republika Srpska)
Ranko Češić	21/7/95	BH (Republika Srpska)/FRY
Milan Martić	25/7/95	BH (Republika Srpska)
Radovan Karadžić	25/7/95, 16/11/95	BH (Republika Srpska)
Ratko Mladić	25/7/95, 16/11/95	BH (Republika Srpska)/FRY
Ivica Rajić	29/8/95	Place of residence unknown
Mile Mrkšić	7/11/95	FRY
Miroslav Radić	7/11/95	FRY
Veselin Šljivančanin	7/11/95	FRY
Zoran Marinić	10/11/95	BH (Republika Srpska)
Gojko Janković	26/6/96	BH (Republika Srpska, Foča)
Dragan Zelenović	26/6/96	BH (Republika Srpska, Foča)
Radovan Stanković	26/6/96	BH (Republika Srpska)
Milan Lukić	21/10/98	Place of residence unknown
Sredoje Lukić	21/10/98	Place of residence unknown
Milan Milutinović	24/5/99	FRY
Nikola Šainović	24/5/99	FRY
Dragoljub Ojdanić	24/5/99	FRY
Vlajko Stojiljković	24/5/99	FRY
Ante Gotovina	08/06/01	Croatia

BH: Bosnia and Herzegovina.
FRY: Federal Republic of Yugoslavia (Serbia and Montenegro).